

## Silcott cleared of PC Blakelock's murder in 1985 riots because of fabricated police evidence

### Baker pressed over reform of appeal rules

BY PAUL WILKINSON



Winston Silcott, now cleared of PC's murder

LORD SCARMAN today adds his voice to renewed pressure on Kenneth Baker, the home secretary, to reform police evidence rules and introduce a new appeals procedure after the Court of Appeal yesterday cleared Winston Silcott, one of three men jailed for the murder of PC Keith Blakelock during the 1985 Broadwater Farm riots.

The judges accepted evidence that the police officer leading the enquiry and his assistant had fabricated evidence. The court will today continue to hear evidence in the appeals of the other two men. Silcott will remain in jail because he is serving a life sentence for another murder.

Today in *The Times*, Lord Scarman, the retired law lord, urges the scrapping of the home secretary's power to refer cases to the appeal court, and calls for a new review body with lay members empowered to quash a conviction. Lord Scarman's

of a fifth page from an interview of which there was now no trace.

Dr Radley said that he believed this all indicated that pages had been removed and replaced at some subsequent point. A Home Office scientist who carried out similar tests for the prosecution reached the same conclusions.

Liberty, formerly the National Council for Civil Liberties, said the Silcott judgment demonstrated "the need for an immediate end to convictions on the basis of uncorroborated confessions". That sentiment was shared by David Palmer, spokesman for the families, who said they would now be campaigning to that end.

Winston Silcott's brother, George, said he hoped the "world" would see that the "world" was wrong. He added: "We want to see the police officers in charge of his case brought to trial."

Scotland Yard declined to comment as the appeal of two other men, Engin Raghip, aged 24, and Mark Braithwaite, aged 23, was continuing.

The judgment is the latest in a series of blows to the criminal justice system, including the cases of the Guildford Four, the Maguire Seven, the Birmingham Six, and cases linked to the disbanded West Midlands Serious Crime Squad.

Iwan Lawrence, QC, and Conservative MP said the legal system had righted a wrong. "Since this case, nearly every police station of importance in the United Kingdom has a tape recording facility... and it is far more unlikely that any police officer will be able to invent or change... the statement made by an accused person."

Widow's plea, page 3  
Pressure for change, page 3  
Leading article, page 15  
Law Times, page 31



Fighting on: Silcott's parents Mary and Bill outside the court yesterday with brother George, who wants to see police brought to trial

### Republics hold back on Gorbachev treaty

FROM BRUCE CLARK IN MOSCOW

THE desperate efforts by President Gorbachev to keep the Soviet Union together in some form suffered a fresh blow yesterday when the chiefs of seven republics conferring under his chairmanship declined to sign a new confederal treaty.

At a meeting near Moscow which had been billed as "initialing" a document creating a new Union of Sovereign States, the leaders agreed merely to refer a draft text to their republic parliaments. The stalemate brought a step closer to the possibility, already widely feared in the West, that the Soviet Union will enter 1992 with no formal agreement to maintain unitary armed forces, and no federal budget for defence or any other purpose.

Yesterday's meeting was not attended by the Ukraine, seen as crucial to any political arrangement to replace the Soviet Union, or by the leaders of Armenia and Azerbaijan, southern republics that

in the Soviet leader's words, were standing yesterday "on the brink of real war". President Gorbachev described the situation in the Transcaucasus as "extremely explosive" and proposed the creation and maintenance by Soviet troops of a six-mile buffer zone in the two republics to prevent an all-out clash. However, the ability of the Kremlin to enforce such measures is fading by the day as central authority weakens and Azerbaijan, along with several other republics, claims control over Soviet military installations on its soil.

The parliament of Azerbaijan, which was gripped by outrage over last week's alleged shooting-down of a helicopter with senior officials on board, will today consider the imposition of martial law and a massive mobilisation of volunteers to fight the Armenians.

President Gorbachev, who has pledged to resign if his

efforts to recreate at least a loose confederation are not successful, said it was now hoped that the new Union would be formally signed into existence in the second half of December. Looking crestfallen and tense, Mr Gorbachev tried to put a brave face on the situation by hailing as an agreement the fact that a single text had been settled on for publication and local debate.

However, it was clear that the seven leaders, who were earlier expected to put their names to the document at the start of their deliberations and then to move quickly to other business, had instead raised far more objections that their host expected.

Tass, reporting from the government villa outside Moscow to which foreign journalists were initially invited but then told to stay away, said that the failure to sign reflected a "large number of reservations" voiced by republic chiefs, who included Boris Yeltsin, of Russia.

While acknowledging that discussions had been vigorous and acrimonious, Mr Gorbachev insisted that the republics represented — Russia, Belarusia, Kazakhstan, Tajikistan, Turkmenia, Uzbekistan and Kirghizia — realised that they had no choice but to hammer out an agreement.

All participants had realised that "the process cannot be dragged out any longer, that the country and society are in such a state that neither reforms, nor economic agreements, nor anything else will pay off unless we can untie this knot — the form of our state".

The text that will now be referred for debate in the republics maintains the post of Soviet president, to be elected by universal suffrage for a five-year term. President Gorbachev has offered not to stand himself if this will make the treaty more palatable.

To judge from drafts recently leaked to the press, it would provide for the existence of collective and republic armed forces, with central control over strategic defence, including nuclear missiles. The participating republics would refrain from using force or making territorial claims against one another.

Continued on page 20, col 5

### Thatcher slapped down on Europe

BY PHILIP WEBSTER AND NICHOLAS WOOD

THE Conservative high command yesterday rallied behind John Major's European policy as he stood aloof from the storm surrounding Margaret Thatcher's charge that he was "arrogant and wrong".

In a co-ordinated show of backing as Mr Major prepared for his first anniversary as party leader, his closest colleagues slapped down Mrs Thatcher's demand for a referendum on a European single currency.

Mrs Thatcher's first ambassador to Brussels says in *The Times* today that she had always shown a "deep-seated prejudice against the European Community".

Sir Michael Butler, who

held the post from 1979 to 1985, says that now Mrs Thatcher is out of office she has "gone over the top. She does not even seem to respect Mr Major's responsible effort to act as she once did, to get a settlement at Maastricht in accordance with British interests". He urges the former prime minister "to let her reason reign again".

In the cabinet counter-attack John MacGregor, the Commons leader, said last night that the British people trusted Mr Major to make Britain's voice heard where it

Continued on page 20, col 2

Simply wrong, page 14  
Leading article  
and letters, page 15

### Markets bewildered

THE Treasury left markets bewildered about its attitude to the weakening pound yesterday, after the Chancellor's spokesman seemed to repudiate an operation to support sterling led by the German Bundesbank. The pound advanced strongly in the morning after the German and French central banks bought

about £50 million, (Anatole Kaletsky writes).

In the afternoon, however, the spokesman denied that the Bundesbank had deliberately intervened. The impact was undone and the pound fell back to its opening levels.

Day of confusion, page 21  
Comment, page 25

### EC out of step on Yugoslavia



Farewell volley: Croat guards firing a salute at a funeral in Zagreb

AS SPORADIC fighting continued around Osijek yesterday, France and Germany were pulling in opposite directions on sending United Nations troops to Yugoslavia and recognising the breakaway republics (Michael Binyon and Dessa Trevisan write).

Hans-Dietrich Genscher, the German foreign minister, said that Germany would go it alone if necessary in recognising Croatia and Slovenia after the EC deadline for

agreement on recognition runs out on December 10. He told German radio that he expected European Community states to do the same.

Herr Genscher and Helmut Kohl, the chancellor, said Bonn supported UN efforts to set up a peacekeeping force but emphasised that German troops could not take part. France, however, said yesterday that the UN should send a peacekeeping force as soon as possible.

The latest ceasefire came

into effect at 6pm on Sunday, but was broken within half an hour. But, despite shelling on Osijek in eastern Croatia, most of the war zones were reported calm.

Britain remains reluctant to send combat troops. Officials fear that the involvement of foreign units would make the situation "more complicated". Britain would like to

Continued on page 20, col 5

Ceasefire mocked, page 11

Poll win attacked, page 11

### Vienna discord hangs over Mozart's head

FROM BRENDA FOWLER IN VIENNA

SCIENTISTS at Vienna's museum of natural history are claiming that a skull reputed to be that of Wolfgang Amadeus Mozart is authentic. Their conclusion, after a two-year study by two anthropologists, Johann Sziwassy and Herbert Kritscher, is based primarily on their facial reconstruction of the skull. The model bears a remarkable likeness to portraits of the composer, who died in Vienna 200 years ago come December 5.

The study is the latest of a dozen such by palaeontologists, forensic pathologists, historians and geologists over the past century, all have confirmed the skull's authenticity. But

the latest claim, coming so close to the bicentenary of Mozart's death, is bound to provoke scepticism.

The finding was immediately criticised by the Salzburg-based International Mozart Foundation, a research organisation that owns the world's largest collection of Mozart memorabilia and, ironically, commissioned the natural history museum to undertake this latest study. The Mozart Foundation, which owns the skull but has always doubted its authenticity, said the reconstruction by the two scientists did not prove beyond doubt that the skull was indeed that of perhaps the world's most loved classical composer.

"They are rejecting the conclusion on emotional grounds," Herr Krit-

scher said, pointing out that he did not volunteer to do the study. "They came to us," he said. Last summer, at the request of the Mozart Foundation, yet another panel of international scientists examined the museum's facial reconstruction and determined that the method used could not indisputably establish the authenticity of the skull.

A more basic problem is that the skull was once said to have 17 teeth but now has only 11, raising questions about whether this is the same skull the Mozart Foundation started out with. Also, the skull's early history is anything but clear cut, because Mozart was buried in an unmarked grave in St Mark's cemetery, Vienna. In 1801 a Viennese gravedigger is said

to have salvaged the skull when the burial site was being remade.

Several decades later, the skull fell into the hands of Josef Hyrtl, a famous Austrian anatomist, who never wrote about it but showed it off to his friends. Upon his death the skull vanished until 1901, when it was bequeathed to the International Mozart Foundation.

In recent years, the Mozart Foundation has tried to minimise the skull's importance, regarding it as something of an embarrassment because of its potential relic-like powers. As a result the skull has never been put on public display. Indeed, most Austrians and the hundreds of thousands of tourists who come to Salzburg each year are hardly aware of its existence.

#### TODAY IN THE TIMES

##### NOT SO WILDE



Kim Wilde says her family helped her avoid the excesses for which Freddie Mercury was known Page 7

##### STEP FATHER



Fred Astaire? "He's a wimp," says Paul Taylor, king of modern dance Page 12

##### REFASHIONED



The late Laura Ashley's traditional image has been given a new twist Page 13

##### BAD PATCH



Colin McRae was knocked out of the lead in the Lombard RAC Rally yesterday Page 38

##### INSIDE

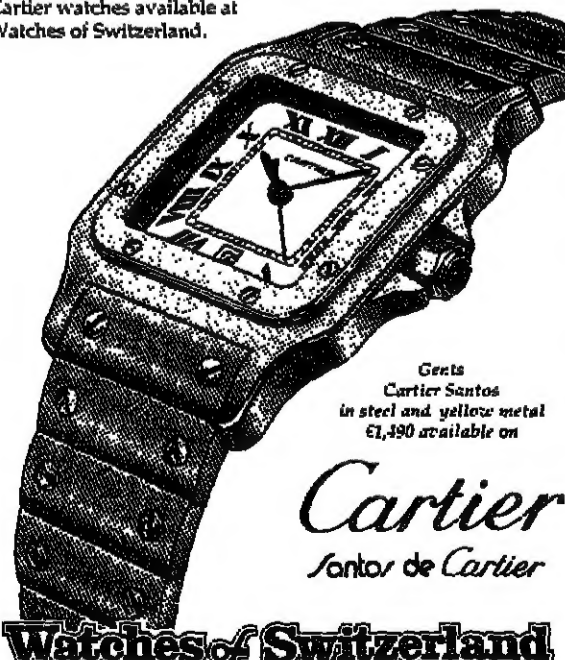
Arts	12,18
Births, marriages	16,17
Crosswords	17,20
Law Report	32
Letters	15
Obituaries	16
Parliament	34-38
Sport	19
TV & radio	20
Weather	20



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## Prince told his vision for farming is flawed

By MICHAEL HORNSBY, AGRICULTURE CORRESPONDENT

THE Prince of Wales's ideas for "greening" British agriculture were rejected yesterday as scientifically unsound and incompatible with efficient and competitive farming, in a report published by the Royal Agricultural Society of England.

The report was initiated by the prince in an address last March in which he called on the society, of which he was then president, to organise a conference of farmers, consumers and environmentalists to discuss the future of agriculture. In a statement released by Buckingham Palace yesterday, he said he was disappointed that the conference had not yet been organised and hoped that it still could be. He declined to comment on the findings of the 77-page report, *The State of Agriculture in the United Kingdom*.

Its publication came amid claims that he was so displeased with its conclusions that he had refused to attend its launch. A palace spokesman said yesterday that the prince had never intended to be present.

Sir Derek Barber, the president of the society and a former chairman of the Countryside Commission, who headed the study group which drew up the report, said: "We took an independent view of the facts before us. We did, alas, come to slightly different conclusions [from the prince]."

Last March, the prince questioned the "sustainability" of modern intensive farming, called for more organic farming, proposed a compulsory limit on the use of manufactured fertiliser and spoke of the dangers of "two-tier" agriculture in which some farmers continued to produce intensively while others became "fully paid-up park-keepers".

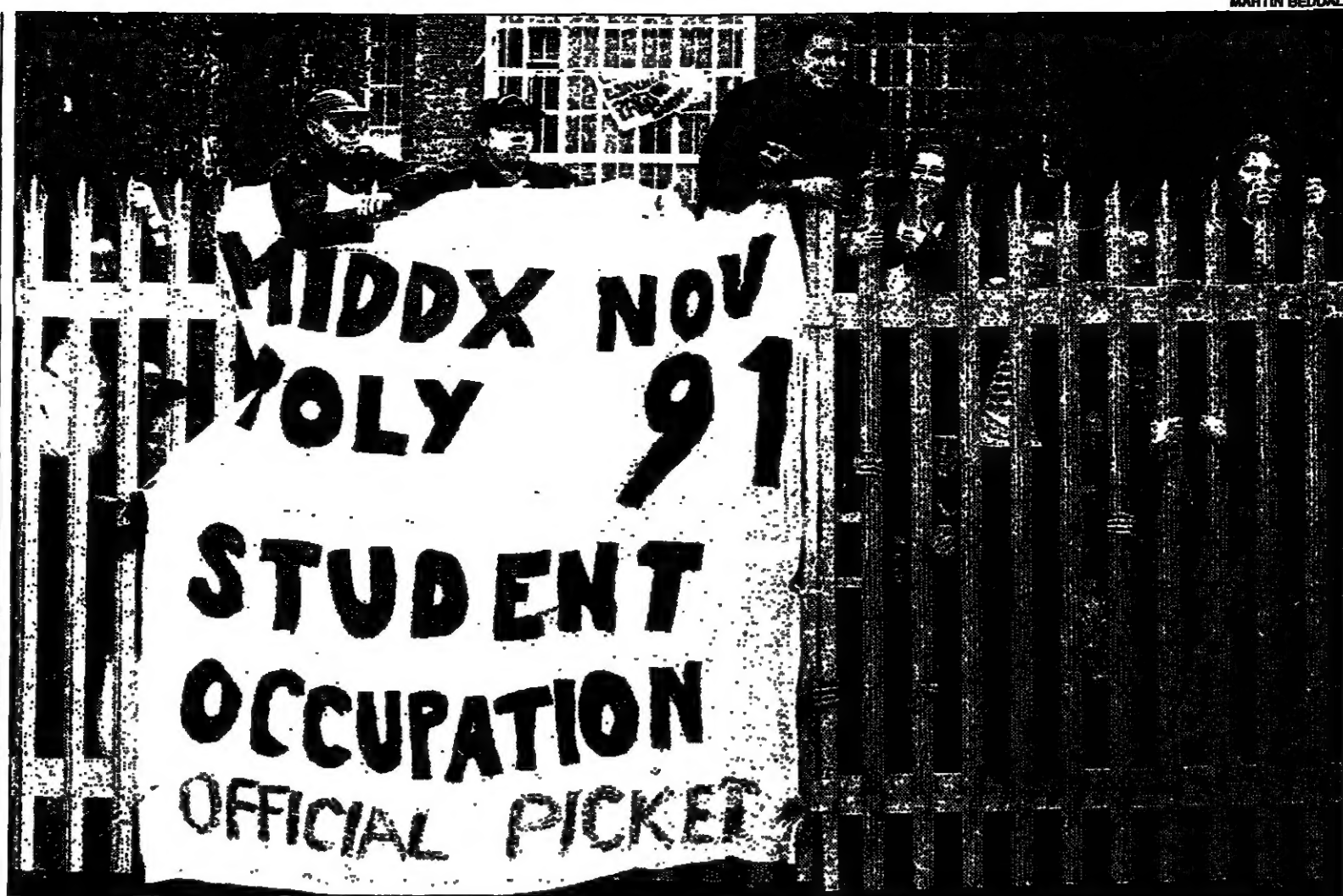
Limiting fertiliser use

would make farming uncompetitive and it was estimated that a 30 per cent reduction on a mainly cereal farm would cut wheat yields by 22 per cent and profits by 112 per cent. Nitrate pollution, it says, is worse under organic farming because of reliance on animal manure.

"The image of an Arcadian-style, simple, 'green' agriculture, with a contrived non-intensive output, is incompatible with the aim of maintaining a competitive position in the market-place," the report says. Two-tier agriculture, it suggests, is unavoidable. In East Anglia, food production should take precedence, whereas in the uplands the only case for subsidising farmers is as custodians of the landscape.

The report says that the price subsidies guaranteed to farmers under the European Community's common agricultural policy should be reduced over seven years. It accepts that a further exodus from the land is inevitable and recommends that small, unviable farmers should be helped to leave.

Friends of the Earth accused the society of repeating anachronistic prejudices that many farmers had discarded, and of contemptuously dismissing public concern about modern agriculture. The National Farmers' Union said it was disappointed by the emphasis on price-cutting, but the Country Landowners' Association, which represents larger farmers, welcomed the report.



Coming off the fence: students at Middlesex Polytechnic whose action over cuts in lecturing hours has spread to five sites

## Student sit-ins threaten to spark protest wave

By JOHN O'LEARY, HIGHER EDUCATION CORRESPONDENT

TALKS will take place today to try to end two student occupations, which have threatened to spark a wave of sit-ins. A third sit-in ended at the weekend.

The biggest of the occupations, at Middlesex Polytechnic, had spread to five sites yesterday, and students voted to continue their action into a second week.

The students are due to

meet the polytechnic authorities this morning with a list of demands based on the restoration of cuts in lecturing hours. They claim that lectures and seminars have been increasingly overcrowded since the closure of one of the polytechnic's sites, which they want reopened.

At Newcastle Polytechnic, the administration block has been occupied since Friday last week in a dispute over an 11 per cent rent increase. The directorate is meeting student union officers this

morning. More than 100 students were ejected by police and bailiffs from a sit-in at Lancaster University on Saturday. Leaders of the protest have threatened to resume the occupation in another part of the campus.

All the protests are rooted in claims of student hardship, which has been the source of increasing bitterness since the withdrawal this summer of welfare benefits. The National Union of Students has been lobbying MPs on the issue, but reject-

ed a proposal from far left groups for a national campaign of occupations.

Stephen Twigg, the NUS president, said: "Students are facing real difficulties, and where there are local reasons for occupations, we are supporting them. But the target where hardship is concerned generally is not the institutions, so we do not consider a campaign of occupations appropriate."

Some students involved in the protests have complained of far left inter-

ference in originally apolitical disputes. Feelings ran so high at Middlesex Polytechnic yesterday that a motion was put to remove militant supporters from the Eastfield site, but no action was taken. John Bowman, one of the organisers, said: "The vast majority of students involved in the occupation are not politically motivated, and a lot are being put off because they think socialist workers have hijacked it."

Leading article, page 15

## Whitehall woos CBI chief

By DOUGLAS BROOM, LOCAL GOVERNMENT CORRESPONDENT

JOHN Banham, the director general of the Confederation of British Industry, has been invited to head the new commission overseeing the reform of local government in England.

Senior Whitehall sources confirmed that Mr Banham, who set up the Audit Commission in 1983 and was its first chief executive, had been asked to chair the new local government commission. He has told ministers that he believes the job of restructuring the present two tiers of county and district councils into a single tier of all-purpose councils can be done within five years.

Many officials are sceptical that the job can be done in

that time but Michael Heseltine, the environment secretary, is said to have been impressed by his drive and enthusiasm to get on with the job. Mr Banham's appointment, to be formally announced next week, will mark the start of the biggest overhaul of local government for 20 years. Other members of the commission will be named in the new year.

Mr Banham is understood to have accepted the post in principle but has yet to agree to terms of his departure from the CBI. His contract there is due to expire at the end of March next year.

However, the CBI chairman Sir Brian Corby, who is due to step down in May, has

asked him to stay on until at least the autumn to provide continuity until his successor Sir Michael Angus, chairman of Unilever, takes over.

Educated at Charterhouse and Queens College, Cambridge, Mr Banham has earned a reputation as a tough but fair reformer. The disclosure that he was in line for the new job came on the day that Michael Portillo, the local government minister, published the terms of reference for the new commission. They commit the commission to examining every aspect of local government in England. It will have powers to redraw boundaries anywhere in the country.

Its remit to create a single tier of local government will, however, be limited to the non-metropolitan areas. London and the former metropolitan counties already have unitary local government.

Mr Portillo said yesterday that the commission would start work in Humberston, where the existing local government boundary commission has already recommended changes and would then move on to Avon. He also announced that it would have the power to create "non-administrative counties" with lords lieutenant to keep alive historic counties which had their county councils abolished. Among those which might be recreated were Middlesex and the Ridings of Yorkshire, the minister said.

"We are not going to see the emergence of a county council of Middlesex but you could see the emergence of a county of Middlesex so that its boundaries would appear on maps and its signs would appear on roads," he said.

The environment department last night described the report of Mr Banham's impending appointment as "speculative and premature".

## Security enquiry at blast jail

By EDWARD GORMAN, IRISH AFFAIRS CORRESPONDENT

THE Northern Ireland Office disclosed yesterday that an enquiry into security at Crumlin Road prison will consider introducing "closed visiting", in which prisoners and relatives are separated by a wire grille or speak by telephone.

The disclosure came as Lord Belstead, the security minister at Stormont, announced that two enquiries would be set up into the running of the prison, following a bomb explosion on Sunday in which a loyalist prisoner died and eight others were injured. The explosion was part of the campaign for the segregation of loyalist and republican inmates. It was followed by the retaliatory shooting of a Roman Catholic man in south Belfast, who was named as James McCaffrey.

Northern Ireland Office sources said it was likely that the explosive had been smuggled into the jail by prison visitors who had swallowed it. The investigation into the explosion was concentrating on the discovery of six torn condoms.

A spokesman said it was known that the ban on internal searching was the main security weakness at Crumlin Road. "Unless you introduce something like closed visits or the old American-style system with phones, I don't know how you can in any way secure the prison," he said.

A member of the Northern Ireland Prisons Department is to examine security at Crumlin Road and there will also be an independent enquiry into prisoner management at the jail.

Jail break foiled, page 20



Criminal damage: the stolen altarpiece

## V & A altarpiece taken

A BAROQUE altarpiece valued at £100,000 was torn apart when thieves were disturbed at the Victoria and Albert Museum in London earlier this month (Sarah Jane Checkland writes).

Normally reticent about security lapses in order not to encourage more thefts, curators at the museum have made this case an exception in the hope that publicity will prevent further breakups of the altarpiece.

Set with gold, enamel and precious stones, the 16th-century work of art had as its central panel a relief of *The Flagellation* by Annabale Fontana, the 16th century

Italian artist, and a crucifixion at the top. On display in Room 1a on the afternoon of November 11, its case was forced open by intruders at about 4pm. "It was forced from both sides," said Paul Williamson, head of sculpture at the museum, who believed the thieves must have been disturbed, because, "as they wrenched it off the wall they knocked the top off, leaving it behind". The gallery is close to the Exhibition Road exit, through which the thieves are thought to have made a quick exit, shortly before the theft was discovered.

## Academics criticise report on science

By NICK NUTTALL, TECHNOLOGY CORRESPONDENT

A REPORT our yesterday on the future of Britain's science and technology base, ordered by Margaret Thatcher, was criticised by academics as being thin on substance and lacking foresight.

The study, the first strategic review by the Advisory Committee on Science and Technology, "reads like an exercise in fence-sitting," said Save British Science, which represents researchers. "It conveys with little sense of urgency an all too complacent air in regard to present policies of government." The study will form the basis of advice to John Major.

It suggests that the growth in multinational companies, rising costs of research and the emergence of global issues such as the greenhouse effect mean Britain should focus more on international collaboration. It accepts that spending on science and technology research by industry remains low when compared with other countries.

John Mulvey, executive secretary of SBS and a physicist at Oxford University, said

the report failed to mention the cutting of funds to the University Funding Council, which had left the council unable to ensure laboratories had sufficient staff and equipment. "The fact that charities, rather than governments, are now the main source of funds for medical research is accepted without question."

## Penny drops for £21,000

A single penny sold for £21,000 yesterday at Spink & Son Ltd, the coin auctioneers, in London. The price was a record for a British "bronze" coin. What made yesterday's example so valuable was its date, 1954. No pennies were issued from 1954 to 1961, due to a surfeit of the coins, and only a small number were minted for tests. According to records at the Royal Mint, all the samples were destroyed.

Mark Rasmussen, Spink's expert, is convinced that the penny was a specimen, and that it is unique. "In years gone by things did somehow come out of the Royal Mint," he said. The penny was first sold by Spink in 1956, the year it was discovered, to C. Wilson Peck, a major copper coinage collector.

## Dog extension

Owners of dangerous dogs have been given an extra three months to have their pets tattooed because of a shortage of vets able to carry out the marking. Angela Rumbold, the home office minister, said in a parliamentary written reply. However, she emphasised that all other requirements for a certificate of exemption allowing the owners of dangerous dogs to keep their animals must be complied with by the end of the month.

## Price of crime

Alan Davison, aged 35, of Gosforth, Newcastle upon Tyne, a garage owner who gave three British Rail managers expensive gifts, including cars, holidays and television sets, in return for contracts, was yesterday ordered to forfeit £500,000 at Nottingham crown court. Davison pleaded guilty at Leicester crown court earlier this year to conspiracy to corruptly accept gifts, conspiracy to obtain property by deception and conspiracy to defraud.

## Raiders shoot

Armed robbers opened fire on police yesterday as they fled after holding up an Abbey National Building Society branch in Crouch End, north London. Officers took cover as one of the gang pulled a handgun and at least one shot was fired. Two men were arrested but a third escaped in a silver-coloured Citroen BX car. Both the car and the money were later damped.

## Jury retires

The jury has retired to consider its verdicts in the trial of a former head of three Leicestershire children's homes and two residential social workers at Leicester crown court. Frank Beck, aged 49, has denied 27 charges of sexual and physical abuse of children in care and social workers. Peter Jaynes, aged 42, and George Lincoln, aged 39, have denied other charges.

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## North hid deal 'to protect Waite'

By JOHN YOUNG AND RAY CLANCY

TERRY Waite was not told about a planned American arms-for-hostages deal when he was negotiating for the release of western hostages because it might have risked his safety, Lieutenant Colonel Oliver North, key figure in the "Irangate" affair, said last night.

He said that, looking back, he did not feel responsible for Mr Waite's kidnapping and five years incarceration in Lebanon. The colonel is in Britain for a hectic round of interviews and public

appearances to sign copies of his memoirs *Under Fire: An American Story*. He has carefully chosen those deemed capable of carrying out a fair interview and withdrew unexpectedly from a scheduled appearance on BBC Radio 2's *The John Dunn Show* yesterday, blaming *Panorama*'s "poor treatment" of him in a recent interview.

However, on the Channel Four chat show *Tonight with Jonathan Ross*, Colonel North was unable to fend off close questions about how much Mr Waite was told about the deal. He denied that Mr Waite had been a

stooge used by the American government to arrange meetings with the kidnappers responsible for holding a number of western hostages. Mr Waite was a courageous and compassionate man who cared deeply about the hostages' fate.

Asked if Mr Waite knew anything about the arms deal Colonel North replied: "He certainly didn't know it from me." He said they only discussed "the hostage matter" and Mr Waite had been introduced to him as a man who had been involved in hostage negotiations before in Uganda and Libya and

could therefore be helpful in the Middle East.

"I believe that he was helpful. The fact that I did not apprise him of exactly what our government was doing with Iran I think protected him," Colonel North said. "It would have jeopardised him more to have known all of the details of what my government was doing."

There were no indications last night that the colonel would meet Mr Waite. His visit to Oxford last night was the closest he was scheduled to go to RAF Lyneham where Mr Waite is still under observation.



'If Winston Silcott is innocent, then someone is guilty. I want the truth. I owe it to Keith'

## Widow wants killers found

BY STEWART TENDLER  
CRIME CORRESPONDENT

KEITH Blakelock's widow, Elizabeth, was close to tears yesterday as she heard that Winston Silcott had been cleared of murdering her husband. "Someone is guilty," she said. "My husband did not stab himself 40 times."

Mrs Blakelock, who moved back to her native North-East with her three sons, now aged 19, 17 and 14, after the killing, said she wanted an enquiry to find her husband's murderers. "I still want the truth to come out," she said. "I owe it to Keith. Anyone on the Broadwater Farm who turned out that night is guilty. They were intent on killing someone. If it had not been Keith, it would have been someone else. What happened on the Broadwater Farm was a night of complete madness."

"If Winston Silcott is innocent, then someone is guilty. If he is freed and he is guilty, that is wrong. If he is innocent and has been in prison, that is also wrong, but I feel that one day justice will be done."

Evidence at the trial in 1987 suggested that Mr Blakelock, aged 40, was attacked by a mob of between 20 and 40 people while on duty with a unit protecting firemen. By the time police recovered him, he had been repeatedly stabbed and attacked with an axe.

After the appeal court's decision yesterday, at least one senior officer speculated at the consequences for police morale of a highly emotive case which involved one of the biggest murder and riot investigations

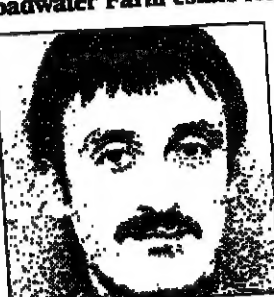


Night of madness: the Broadwater Farm estate riot in Tottenham in 1985

mounted by Scotland Yard. A team of 150 officers was mustered to investigate a riot which began after the death of Cynthia Jarrett during a police search of her home. Although a number of people saw or took part in the Blakelock killing, police never had much evidence to work on.

The riot caused less damage than many other disorders in the Eighties, but its ferocity took the police by surprise. There were four robberies, 38 cases of arson, two thefts, nine burglaries and 239 assaults. Although police received 88 emergency calls from the estate during the riot, they found few witnesses to give evidence.

Three teams of police photographers were at work on the night of the riot, but were



Blakelock: attacked by mob of up to 40 people

on the other side of the estate. There was no fingerprint evidence, even on a knife embedded in the dead man's neck, and there was time for attackers to get rid of bloodstained clothing.

The dead man's helmet has never been found. Debris at the riot scene was

being cleared within hours of the disorder and police said that they faced difficulties from the local authority and in finding willing witnesses.

By the time they had finished the investigation, 359 people had been arrested, but only six faced the court for killing Mr Blakelock. Three were juveniles and the cases against them collapsed.

At the end of the trial, police said they believed that they knew the names of a further 17 who had either attacked Mr Blakelock or opened fire on police during the riot. However, they said they could not go to court without fresh evidence.

Silcott cleared, page 1  
Leading article, page 15

## Police accused of subverting law

The clearing of Winston Silcott fuels the debate over the issue of uncorroborated confessions. Frances Gibb looks at some of the proposals for change

THE clearing of Winston Silcott yesterday vigorously reinforces the need for the Royal Commission on Criminal Justice to scrutinise two specific areas: confession evidence and the right of a suspect to legal advice.

The case, the latest in a catalogue of miscarriages of justice, will also fuel the calls for a new appeals procedure. In *The Times* today, Lord Scarman, the retired law lord, calls for the scrapping of the home secretary's power to refer cases to the Court of Appeal. Instead, he calls for a new court of review, with lay members, which would treat an alleged miscarriage of justice as "an enquiry into a matter of grave public importance", and have powers to quash a conviction.

Silcott was convicted of the murder of PC Keith Blakelock during the Broadwater Farm estate riots in north London in 1985 on the basis of a statement he allegedly made with no solicitor present. It was the only evidence against him and he declined to sign it.

Silcott's case was one of the first to test the provisions of the Police and Criminal Evidence Act 1984, which was intended to strengthen rights for suspects in custody. Although the act was not in force at the time of the riots, it was

being operated in London, yet police still denied Silcott access to a lawyer. Research at Birmingham University has shown that police regularly subvert the act by using various ploys to delay or discourage access to a solicitor. Henry Hodge, Silcott's solicitor, said yesterday that the case had highlighted some appalling features of the present system. "Even with police station interviews being tape-recorded, it is possible for uncorroborated evidence to be put forward which was supposedly given by the suspect in the car."

Views are split on whether there should be a law prohibiting uncorroborated confessions, as wanted by Bar leaders. The Crown Prosecution Service says that insisting on corroboration in all cases would be time-consuming and costly.

The Law Society emphasises the importance of ensuring that a confession is freely given, reliable and is accurately recorded before being admitted in evidence. It calls for filming procedures at the custody officer's desk to ensure compliance with the 1984 act and insists that admissions obtained outside the police station must be recorded and approved by the suspect.

Law Times, page 31



Call for justice: Elizabeth Blakelock yesterday

## Lovers 'spirited to deaths'

A TEENAGE girl and her 44-year-old lover were "spirited away" to their deaths after she offended her deeply religious family, a court was told yesterday. The couple disappeared in December 1988 and the bodies have not been found.

Leeds crown court was told that Sharif Bibi, aged 19, and her lover, Hashmut Ali, a father of two, were abducted by her two brothers after she turned her back on an arranged marriage and moved into Hashmut Ali's home in Huddersfield, West Yorkshire.

Norman Jones, QC, for the prosecution, alleged that Mohammed Saleem, aged 32, and Abdul Haq, aged 26, murdered the couple because they brought shame on the family and in particular their father, who was a devout Muslim and taught at a mosque.

Mr Jones said that the brothers killed the couple in a house in Huddersfield which 12 months after the alleged killing "stank of death and dead flesh". He said: "These two people vanished as if they had been spirited from the earth. They left behind a house with the lights on, the door locked on the inside and the phone off the hook. They left their entire collection of personal possessions. The house was almost like the Marie Celeste."

Mr Saleem, of Croydon, south London, and Mr Haq, of Huddersfield, deny murdering the lovers. Mr Jones said that the brothers told police they thought the couple had eloped. Mr Jones said that no remains had been found even though police had flown to the family's former home in Pakistan to interview relatives.

The trial continues today.

## Libelled teacher must pay his own costs

A FORMER teacher was libelled by a newspaper when it called him a pervert, a jury at the High Court decided yesterday. But he was awarded no damages, a decision that legal experts said was unprecedented.

Traditionally, when a jury holds that a plaintiff has been libelled, but that it does not think much of the claim, it awards the smallest coin in the realm.

Mr Justice Hutchinson rejected an application by Alex Standish that *The People* should pay all costs, unofficially estimated at £200,000. He also ordered that he should pay his own costs, which are normally met by the losing side. Although Mr Standish conducted the 11-

day trial in person, he employed leading libel solicitors, which will have cost several thousands of pounds.

Mr Standish, a bachelor, aged 28, of St James's, central London, had helped Esther Rantzen, the founder of the Children's charity, to expose a child abuse ring at Crookham Court School in Thatcham, near Newbury, Berkshire. He claimed that *The People* libelled him as a child molester in February 1991, in a story headlined "Esther and the Sex Pervert Teacher", which alleged that he was a sex pervert who was a danger to the boys he taught at the school where he then worked in Orpington, Kent. The newspaper claimed that Miss Rantzen,

the police and the education department knew, after their investigation into Crookham Court, that Mr Standish had composed "sickening sketches" of young boys and kept photographs of naked youngsters with instructions on dealing with "naughty" lads.

A central question was the date on which the material was composed. Mr Standish claimed he wrote it between the ages of 16 and 18 to "release" feelings he had bottled up after being sexually abused as a child by a retired teacher. By the time he started teaching he had put those feelings behind him. But the newspaper dated the material as much later, alleging that it outlined fantasies Mr Standish had had while a teacher at Crookham Court in the late 1980s.

The jury, which took more than five hours to reach its 10-2 majority decision, was told that he destroyed the material in 1989 when police started investigating the school. But a colleague had photocopied it previously.

After two *That's Life* television programmes in 1989 alleging systematic abuse of pupils, Crookham Court was closed and its owner and two teachers were jailed for a total of 26 years. Mr Standish resigned and moved to Cannock School in Orpington. He resigned from there in February 1991 when the articles appeared.

*The People* had argued that its articles were true and fair comment and that Mr Standish's professed concern to stamp out sex abuse at Crookham Court was a dishonest pretence.

After the case, Mr Standish said he had left teaching and had no plans to return. He said he would be able to pay the costs but refused to reveal the exact sum.

## Father is jailed for sex with daughters

BY ADAM FRESCO

A teacher who committed more than 900 sex offences against his three daughters was jailed for eight years yesterday by Newcastle upon Tyne crown court after his wife reported him to the police.

The teacher, aged 50, from Co Durham, had unlawful sex with each of his three daughters when they reached the age of 11. John Evans, for the prosecution, said. The offences occurred with each girl once a week until they reached the ages of 16, 17 and 18.

The man admitted six charges of incest but denied six charges of rape. Mr Justice Waller said: "What you did to your three daughters is almost beyond human comprehension."

He ordered that the rape charges should lie on file.

The court was told that once the man's wife came home early and found him having sex with one daughter, then aged 12. She ignored the incident and did nothing when a second daughter complained about her father. She contacted the police after her husband left her, because she said that she was concerned that his new girlfriend had a 12-year-old daughter.

Mr Evans said that the man threatened to kill the eldest daughter if she told anyone. The other daughters were told that they would be taken away from home if they said anything.

## Charity reels in royal salmon beat

BY ALAN HAMILTON

AVAILABLE early next year: a week's fishing for two rods, gillie included, on one of the Queen's prime salmon beats on the Dee near Barmston. Apply now: all proceeds donated to a welfare charity for fish.

The Birkhall beat, a short distance downstream from the castle, near the Dee's confluence with its tumbling, peaty tributary, the Muick, is much prized by anglers, and a week's use of it is estimated to fetch the bargain price of £450 at auction. But, as fishermen from a little further south would know, you don't get out for now. The week on offer is March 23-28, not exactly prime time on the salmon calendar.

As in previous years, the Queen has donated a week on her normally exclusive estate in aid of the Atlantic Salmon Trust, which is engaged in long-term research into the decline in the num-

bers and quality of Atlantic salmon in British rivers. The trust is inviting bids in a postal auction for more than 200 lots of fishing, ranging from single days on a variety of rivers, to complete weeks on several sought-after and usually highly expensive beats on the Tweed, which are expected to make at least £2,000 each.

The auction has become an annual event for the Perthshire-based trust, and is now one of its main sources of income. In the past three years there has been a significant decline in catches and stock levels.

John Mackenzie, the trust's director, said yesterday that although there was as yet no firm evidence, the problem appeared to lie on the high seas with the salmon being caught as they migrated across the Atlantic, rather than in the rivers. Coastal netting of salmon was also showing declining catches.

John Gummer, the agriculture minis-

ter, has bowed to trust pressure and has agreed to set up a working party on salmon stocks early in the new year.

Stocks continue to decline in spite of recent agreement with the Faroe Islands that they should cease long-line deep-sea catches of salmon on their migration routes across the north Atlantic. The only other legal area of salmon fishing on the high seas is off Greenland, but a major problem of illegal fishing remains and is largely concentrated off the coast of Ireland. Declining stocks of sea trout in British waters are also worrying scientists and fishermen, and the trust is also supporting research in that area.

The closing date for bids in the trust auction is February 3, 1992. Copies of the catalogue can be obtained from the Director, Atlantic Salmon Trust, Moulin, Pitlochry, Perthshire PH16 5JQ, telephone 0796 3439. Bids may be submitted by fax on 0796 3554.

## Russian pilots taxi in for a better airline

BY HARVEY ELLIOTT  
AIR CORRESPONDENT

TWO Russian pilots training at Heathrow airport are the first from Aeroflot to learn how to fly an American-built commercial jet liner, says British Airways. Dmitry Shirayev, aged 44, and Yuri Nikiforov, aged 30, arrived in Britain last week for a six-week course on flying the twin-engine Boeing 767, which will become the back-

bone of Air Russia, an airline being set up by BA and Aeroflot.

The Russian pilots normally fly Ilyushin IL-62s, VC10 lookalikes which carry a crew of five rather than the two who fly the Boeing 767s. "Compared with the 767 is very different," said Captain Shirayev after a session on BA's simulator at the Cranefield training centre. "Although the two-man operation is new to us, the aircraft is easy

to fly because of the new technology it uses."

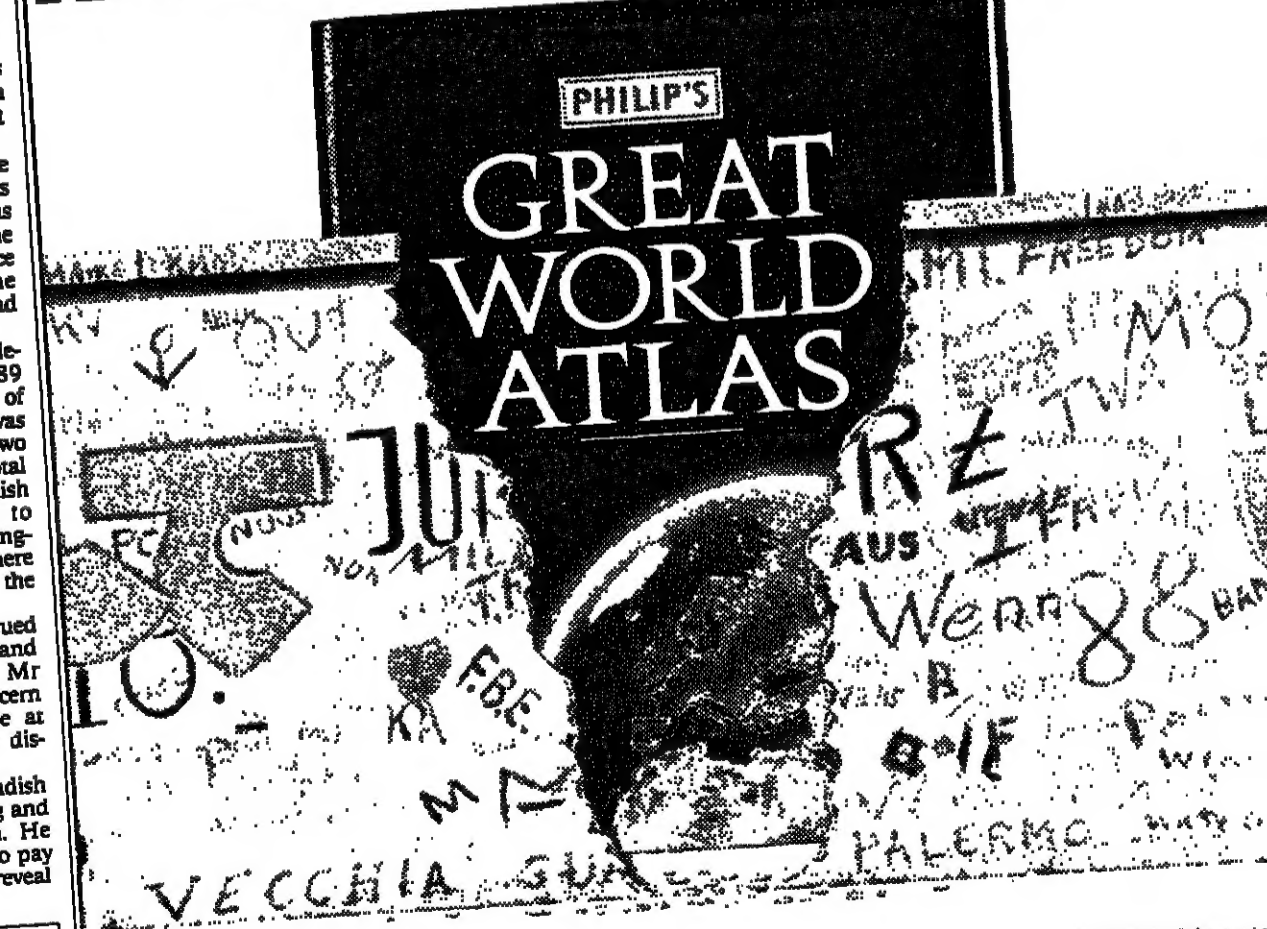
Captain Geoff Crawford, flight operations manager for Air Russia, was impressed with the Russians' flying skills. "If these two pilots are representative of Aeroflot's standards they will have no difficulty in adapting to the 767," he said.

BA signed an agreement with Aeroflot, the Russian Federation and the Soviet authorities to set up a joint venture airline in July and

put up £20 million as an initial investment. Air Russia will operate seven 767s and begin international services in 1994 from Domodedovo airport, near Moscow.

Most of the pilots will be Russian, although English will be the common language. Some British pilots will be recruited to fly alongside their Soviet counterparts. In-flight service is planned to be far superior to that provided for Aeroflot passengers.

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## British Rail takes blame for junction death crash

By KERRY GILL

BRITISH Rail said yesterday that it accepted responsibility for the rail accident outside Glasgow earlier this year, in which four people died and 22 were injured, and that it was prepared to consider sympathetically all reasonable claims.

The head-on crash between two trains could not have happened if a junction system had not been altered only a month before the incident, a senior ScotRail employee told the first day of an enquiry into the cause of the crash.

Simon Lane, ScotRail's operating manager, told the hearing: "I wish to register my sincere regret and offer my condolences to the families and friends of the deceased, to those injured and to anyone inconvenienced in any way by the accident."

The enquiry, held by the Health and Safety Executive, was told that there were ten "single lead junctions", including the site of the Glasgow crash, in England and Scotland. There had been two other accidents at similar junctions, at Bellgrove, also in Glasgow, in March 1989, when a driver and a passenger were killed, and at Hyde, Manchester, where there were no fatalities.

The single lead junctions

## 'Fatal fire caused by burglar'

A FIRE that killed a woman was caused by a burglar striking matches to find his way around her home, Halifax magistrates were told yesterday.

Tahir Khan, for the prosecution, said that Sean Kennedy, aged 21, had left the house empty handed and claimed to have known nothing about the fire when arrested the following day. Denise Smithies, aged 42, who had been asleep with her husband, died after helping their two sons to safety during the fire earlier this month.

Mr Khan said that Mr Kennedy had left the Smithies' home, at Sowerby, near Halifax, West Yorkshire, to burglarise another house near by. Mr Kennedy, of Sowerby, was charged with manslaughter and burglary. Reporting restrictions were lifted at the request of his solicitor, Rachim Singh, who said that the police and forensic science experts accepted that the fire had not been caused deliberately.

Mr Singh said everything indicated that it had been an accident. He added that Mr Kennedy would not have committed another burglary in the area had he known about the fire. Magistrates remanded Mr Kennedy in custody for a week.

have replaced parallel junction systems, which had double rather than single tracks. In all three crashes, a train had been on a stretch of track that it could not have entered under the old system.

On the evening of July 21 the two suburban trains collided next to the station at Newton, said to be a focal point for almost 300 trains every day. The trains would have been only 205 metres, or six seconds or less, apart when they became visible to each other, the enquiry was told. Alan Mackie, movements manager for ScotRail, said that under the old arrangement the accident would not have happened.

Alan Gore, representing the widow of Reginald McEwan, aged 61, a train driver who died, asked Mr Mackie: "Whatever may be found to have been the cause of drivers or signalling under the old geographical layout this accident could not have occurred?" Mr Mackie said that that was correct.

Mr Gore, who also represents the rail union Aslef, said that the union had been opposed to single lead junctions because of their potential for a head-on collision.

He said that the statistical probability of a train passing a danger signal was once for each driver every 26 years. Mr Gore said that a similar accident to that at Newton was possible unless there was a return to double tracking. Mr Lane said that the ramifications for the railways would be enormous.

The others who died in the crash were a driver, David Scott, aged 27, of Glasgow, and two passengers, Kenneth Meehan, aged 20, of Wishaw, Strathclyde, and Tracey Donachie, aged 18, of Shotts, Strathclyde.

The enquiry continues today.

## Will makers blamed for scaring people

By MELINDA WITTSTOCK, MEDIA CORRESPONDENT

SCAREMONGERING in advertisements that offer help in making wills is unacceptable, the Advertising Standards Authority told the advertising industry yesterday.

The authority, which has recently condemned several adverts for will-making kits and services, said that advertisers must not imply that distress and complications beset the families of those who died without writing a will.

The authority said: "We accept that there is merit in writing a will in order to safeguard the future for family and beneficiaries but the fear created by some advertisements serves only to misinform and will cause undue public concern."

The authority recently up-



Trumpet parade: Corporal Sid Arnold, of the Royal Canadian Mounted Police Band, blasts out a tune for Ben Ponder, aged eight, from Jersey, during a visit yesterday by the Mounties to the Hospital for Sick Children, Great Ormond Street, London

## Losers 'will equal winners' in new tax

By DOUGLAS BROOM, LOCAL GOVERNMENT CORRESPONDENT

AS MANY families will lose from the change from the community charge to the council tax as will gain from the transition, according to new figures which were published yesterday.

A study by the Institute for Fiscal Studies showed that although the wealthiest households would suffer most from the change, around 5 per cent of those on lowest incomes would also be worse off.

According to the report, eight out of ten families in the top income bracket will be

worse off by up to £2.50 a week. More than half of families on above average earnings will also lose. The biggest gains, of more than £1 a week, will be for those on middle incomes living in average value homes.

Research by John Hills and Holly Sutherland, of the London School of Economics, found that 37 per cent of households would be worse off under the council tax while the same percentage would gain.

The new tax, due to replace the poll tax in April 1993, will be based on eight tax bands based on the market value of properties. A complex system of personal rebates and discounts will link tax bills to the ability of households to pay, allowing the researchers to say which income groups will fare best.

Ministers have said that if the tax had been introduced this year the average bill would have been £400. The researchers, who found that this figure was based on government targets rather than spending by councils, put the average council tax bill at £473 in England.

They also rejected suggestions that the tax could be made fairer by adding additional tax bands for low and high value properties. Ms Sutherland said: "Too few properties lie outside the existing bands to have much effect. The only way to reduce average bills was to revert to something closer to the rating system but based on the capital value of homes. That would reduce the average bill to £446 for each household, she said."

## Royal Mail sounds last post for the forgetful

By DAVID YOUNG

BILL Cockburn believes he has come close to killing off several of the most used excuses in British life. As managing director of the Royal Mail, he has tried to make redundant: "Honestly darling, I put your anniversary/birthday card in the post last week," and "The cheque is in the post."

The Royal Mail has announced that Britain's first class letter reliability has reached its highest level yet, with an extra 285 million letters a year landing on the doormat the day after posting. An independently conducted performance report shows that 99.5 per cent of first class letters are arriving by the next working day, and that second class letters have a 97.4 per cent chance of arriving within the target of three working days.

At Mount Pleasant sorting office, in central London, still the largest sorting office in Europe and the spiritual home of thousands of Postman Pats, Mr Cockburn said: "These are the best results since independent checks on letter reliability began, resulting in scores of millions more letters arriving earlier. I am very proud of our postmen and postwomen who are leaving their European counterparts far behind when it comes to delivering first class letters next day. They've got the others truly licked."

Even better results are promised and there will be a "green" bonus, as a new computer means that the Royal Mail's transport fleet



Cockburn: proud of the latest reliability results

can cut its annual mileage by 20 per cent with more efficient routing. Mr Cockburn said that a 90 per cent reliability rate for first class mail being delivered by the next working day was "within our grasp". He added: "We do not regard that as a ceiling, and we will continue to drive it forward."

He said that the 24p cost of a first class stamp was the best value for money in Europe, with the equivalent cost being 25p in France, 35p in Germany, 37p in Italy, and 42p in Denmark. "We do not get a penny of subsidy and we run the Royal Mail commercially," he said. "Improving the service is our main objective and we are investing £1.6 billion over the next five years."

Mr Cockburn said yesterday that: "94 per cent of first class letters to local addresses arrive by the next working day, a 1.8 per cent improvement on last year's April to September figure. 91.3 per cent of first class letters to addresses in

"neighbouring" postal districts meet their target: a 5 per cent improvement on 84.8 per cent of first class mail to "long distance" addresses in Britain meet the target: a 6.3 per cent improvement.

Second class mail sent locally has a 99.1 per cent chance of arriving within three working days, letters sent to neighbouring areas have a 98.2 per cent chance, and long-distance mail has a 95.2 per cent chance.

The service's fleet of 30,000 vehicles covers 460 million miles each year and can be directed at the touch of a button through its new computer system.

The Consumer Association has welcomed the latest figures from the Royal Mail. It said: "This is all very good news, but what we would like to see is a better system for dealing with complaints if things do go wrong. It would also be useful if performance figures for each area were available in the local post office, because these figures are an average and there may be areas where service is not so good."

FIRST CLASS MAIL DELIVERED NEXT DAY



## Tablets blunder man wins £300,000

A man who lapsed into a coma and suffered permanent brain damage after he was given the wrong tablets received £300,000 compensation at the High Court in London yesterday.

David Greene, aged 42, a musician, was a mild hypochondriac, said his QC Robin Stewart. At a chemist owned by Ashapura Enterprises in Islington, north London, in September 1986, he was given a bottle for someone with the same surname, which contained a drug used to treat diabetes. He was found in a deep hypoglycaemic coma.

The money will be invested on his behalf to cover his hospital care. "Liability was not in issue," Mr Justice Garland was told.

Mr Greene, now living near his family in the Republic of Ireland and a hospital inpatient, is epileptic and virtually confined to a wheelchair.

## IRA inquest

The inquest into the deaths of two IRA members, Patricia Black, aged 18, and Frank Ryan, 25, who were killed by their own bomb in St Albans, Hertfordshire, was adjourned yesterday until February for further enquiries. After the hearing, police said that Black's body was being released to her family. Ryan's body was being withheld as positive identification had not been completed.

## Dusty libel

Dusty Springfield, the singer, accepted "substantial" damages at the High Court in London after being portrayed as a drunk by Bobby Davro, the impressionist, on a TVS television programme. Her counsel, Hilary Hellborn, QC, said that Miss Springfield had not drunk alcohol for eight years.

## Gas charge

British Gas will be charged today at Hichin magistrates' court, Hertfordshire, with exposing the health and safety of the residents of Royston to danger. A series of explosions took place in the town on March 8 after a gas surge.

## Fast explorer

Sir Rumph Twissdon-Wykeham-Flemes, the explorer, of Barnes, southwest London, admitted driving at 109mph on the M4 in a letter to magistrates at Chippenham, Wiltshire. Sentence was adjourned.

## Train injury

A boy aged 14 was treated in hospital for a head injury after jumping from the roof of a passenger train near Forth, Mid Glamorgan. Five other youths were seen riding on the roof with him.

## Planes collide

Nearly 300 passengers were evacuated unhurt when a Swissair Airbus collided with a British Airways 757 on the runway at Heathrow airport.

## New university

The first university in Cornwall will be created when the Camborne School of Mines merges with the University of Exeter in 1993.

## Health group wants £3 cigarette pack by 1995

By THOMSON PRENTICE, MEDICAL CORRESPONDENT

THE government-funded Health Education Authority yesterday challenged ministers to raise tobacco taxes and ban cigarette advertising, with a report showing that smoking-related diseases kill 300 people every day and cost the health service £437 million a year.

The authority produced figures from every health district in the UK in what it described as the most important document published on the impact of smoking. It called for the price of a packet of 10 cigarettes to be raised from just over £2 at present to £3 by 1995, and restated its backing for a European Commission plan to ban all forms of tobacco advertising in member states.

The authority's enthusiasm for these measures is not shared by some ministers and exposes a policy gap between it and the government. Ministers are reluctant to support the proposed EC ban, and senior officials at the authority believe that, with a general election looming, there will not be a big increase in tobacco taxes in the next Budget.

The report shows that, nationally, Manchester has the highest proportion of deaths

due to smoking, with about one in five of all recorded deaths attributed to tobacco-linked illnesses.

The worst ten district health authorities are all urban areas, four in the North-West, four in the North-East, and two in London. The lowest figures in England are in Maidstone, Kent, with about five deaths a week. In Scotland, the Orkney and Shetland islands have the lowest figures, and Clydebank, near Glasgow, the highest.

The report says that 14 million people in the UK smoke and that, as a result, 111,000 a year die of related illnesses, mainly heart dis-

ease, lung cancer, pulmonary disease and strokes. Every year about 285,000 smokers are admitted to hospital with smoking-associated conditions, and occupy an average of 9,500 hospital beds a day.

The most effective single measure to reduce smoking would be price increases over the next ten years above the rate of inflation, Sir Donald Maitland, chairman of the authority's board, said yesterday.

Treatment facilities for kidney patients should be expanded by 25 per cent, with a threefold increase in the number of specialists dealing with them, a report by the Renal Association and the National Kidney Federation suggested yesterday.

The report says that, although the UK treats more patients than most other EC countries, those nations have more specialist units and expert staff. "Unless specialist renal consultants are easily accessible, many patients are not likely to receive expert advice and treatment. Some may die without even being diagnosed as having malfunctioning kidneys," John Powell, chairman of the federation, said.

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Shouldering responsibility: Ian Gough, an inspector for the RSPCA's London region, with Cracker yesterday. The kitten will be helping the society's campaign, which starts today, urging people not to give pets as Christmas presents to prevent thousands of unwanted cats and dogs being abandoned. Also helping will be Frosty, a seven-week-old collie puppy, which will be appearing on advertisements with the slogan "If you give a damn, don't give a pet." Frosty was found abandoned outside Guildford police station, Surrey, just over

a week ago. National newspaper advertisements will be followed by commercials on local radio and BSkyB. The RSPCA says that its centres are already full as hundreds of people have abandoned their pets because they cannot afford to feed them during the recession. Some pets are abandoned soon after their arrival on Christmas day and the RSPCA's Liverpool home last year handled 26 unwanted puppies between December 27 and New Year's eve. Last year, the charity had to put down more than 73,000 unwanted pets.

## Beetle could help deserts bloom

By NICK NUTTALL, TECHNOLOGY CORRESPONDENT

THE feeding antics of a southern African beetle have led to the development of a water collection device which, according to two engineers from Britain and the Soviet Union, could halt the spread of the world's deserts.

*Oryctes unguicularis*, the Namibian fog-basking beetle, stands on its head on the desert dunes of the early morning to gather moisture. Mist collects and condenses on its back before running down into its mouth.

The device developed by Stuart Clynes and Boris Berlin, of the Danish Technological Institute in Copenhagen, involves a cylinder that stands on three hollow legs buried in the ground. It has just won the annual £40,000 development prize from the bank TopDenmark.

Hanging below the cylinder are an acrylic brush and a steel ball. Early morning mist, the only moisture in some desert areas, condenses on the brush. As temperatures climb, the brush is pulled inside by an actuator device common in greenhouses that uses the sucking and solidifying of wax to open and shut windows. The ball, travelling behind the brush, shuts off the bottom of the

cylinder, sealing the water-laden brush inside.

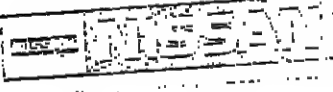
During the day, the water evaporates and is forced down the hollow legs back into the ground, where it condenses. At night, temperatures fall and the brush and its ball are lowered again.

The researchers, along with scientists at the Ecological Botanical Institute in Copenhagen, are planning to bury bags of earth in which seeds, hardy enough to withstand desert temperatures, will grow beneath the devices. It is hoped that such plants will become self-sustaining and will cool the deserts naturally by attracting rain clouds.

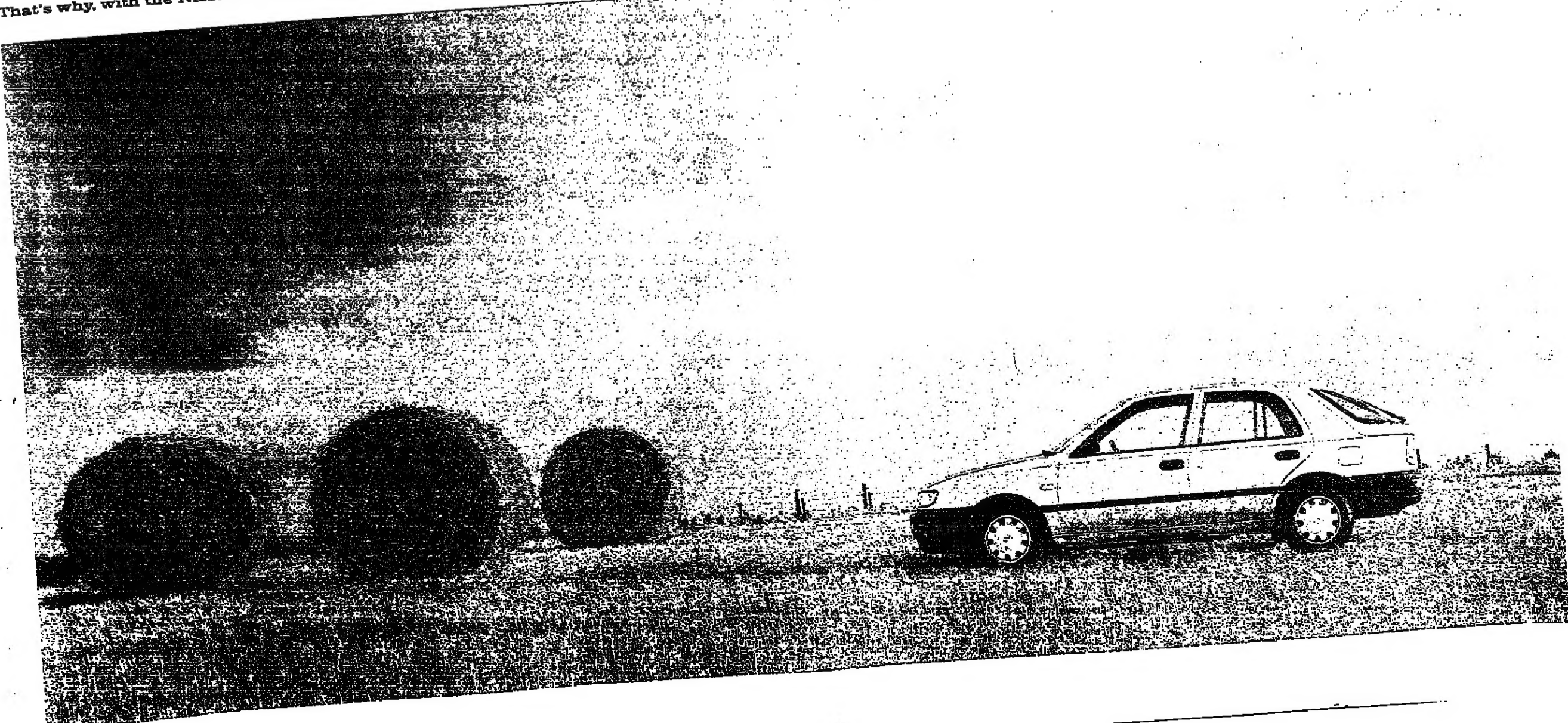
Mr Clynes said that laboratory tests indicated that the collectors, which would stand about 9ft high, could trap up to 2.2 gallons of water each day. The £40,000 award will be used to refine the device so that it can withstand high winds and shifting sands. "We estimate they will cost about £70 a unit if mass produced, and would need to be spaced about 30 to 40 metres [98-130ft] apart," Mr Clynes said. "It's a low-technology solution, and we want to be able to just put them in the desert, and leave them alone for a decade or so."



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# Do not sign EMU treaty, pleads Joseph

MINISTERS were warned last night not to sign the treaty on economic and monetary union at Maastricht even with its "opt-out" clause allowing Parliament to decide whether to join a single currency later.

Lord Joseph, a former key member of Margaret Thatcher's government, told the House of Lords: "A single currency with a single central bank leads ineluctably to a single central government." He told peers during the debate on Europe that he much regretted the government's apparent readiness to sign the European monetary union treaty and rely on the opt-out clause.

Lord Cledwyn, Labour's leader in the Lords, used the debate to express sympathy for John Major whose task at Maastricht had been made "infinitely more difficult" by attacks from Mrs Thatcher. There was laughter when he suggested that despite her espousal of the form, he doubted whether she would have called a referendum, had she still been in charge now. "She always tended to regard her own pronouncements as equivalent to a referendum."

Opening the debate, Lord Waddington, leader of the House, made clear that Brit-

## John Winder and Peter Mulligan report how peers view Britain's EC prospects

ain's view on the future of the Community did not tally with that of some other community members.

He said: "A number of our European partners believe that the changes brought about by the Single European Act set us irrevocably on a pre-determined path leading to political, economic and monetary integration within a federal Europe. That is not the case. Political union is an evolving process — not a goal — and the Community is a developing organism, the ultimate form of which none of us can confidently predict."

"We cannot set the final shape of Europe now. The most we can do is ensure that each step we take, each institutional change, is useful and workable in itself. We must consider the amendments proposed at Maastricht in this light: an end in themselves, not simply a means to a more distant goal."

He added: "Qualified majority voting, European court

of justice jurisdiction and a Commission's sole right of initiative — the trappings of Community competence — will in no way strengthen or promote a common policy where no common will exists. We should not at Maastricht be looking for a possible model for co-operation far in the future but for practical arrangements which improve co-operation here and now."

Lord Cledwyn, leader of the Opposition peers, said that where agreement at Maastricht was clearly impossible the matters should be reserved for further consideration and that was preferable to a pointless and acrimonious haggle.

"The impression has been created that Maastricht is a 'make-or-break' summit. That is a great mistake, for it has been plain from the start that there are issues on which total agreement is impossible, at least at this stage."

The Commission at present posed a problem. Why should it not be more accountable to the European parliament?

"We should go further. The European parliament has some very limited powers and there is a strong case for extending them, as otherwise it could develop into an expensive talking shop and



Opposing peers: Lord Joseph (left) and Lord Cledwyn, who spoke yesterday

nothing else. We think its powers should complement, but not replace, national parliaments and should also share some powers with the

Commission to institute legislation."

Lord Thomson of Monifieth, a former EC Commissioner, speaking for the



Liberal Democrats, said that the government's behaviour had little to do with a practical, pragmatic approach to European unity, and every-

thing to do with preventing Conservative disunity in the approach to Maastricht. It was not succeeding even in that.

In one of the shortest maiden speeches of recent years — less than five minutes — the Duke of Manchester said that unless Britain went to Maastricht with all parties united to maintain Britain's sovereignty and constitution, they would be giving away what past and present generations had sacrificed themselves for. Britain must not be outside the European pact.

Lord Cockfield (C), another former EC Commissioner, said that Mr Major had told the Commons last week that there was no greater sanction than the market. The market had delivered its verdict and it was not an encouraging one. All sorts of explanations would be found for the rise of the Deutschmark and the fall of sterling, but the real explanation lay in the fear of the market that Maastricht would not succeed.

He would like to see the United Kingdom go into a single currency from the beginning, but in the circumstances of this country, the course taken by the prime minister was the best and wisest available.

Lord Callaghan of Cardiff (Lab), former prime minister, said: "I simply cannot accept that the pound is a symbol either of stability — its value has declined consistently through both governments ever since the war — or of sovereignty. There is no such thing as pure sovereignty today."

To use it as this kind of symbol "will do everything to convince the Europeans that we are a backward-looking nation wallowing in nostalgia, instead of looking forward to what must lie ahead."

Lord Joseph (C) said that ministers should not sign the treaty on economic and monetary union because to do so would "undermine our rejection of a single central government". There would be immense pressure for a such a government once a single central bank and currency were established.

On the suggestion that the other 11 countries could set up a single currency outside the Treaty of Rome, he asked: "Will the 11 want to go ahead without any contribution from us, one of the main contributors of money within the common market, towards the heavy subsidies that other member states will be demanding?"

Lord Joseph also cast doubt on the likelihood of a fiercely monetarist single central bank with stable money. The bank, he said, would contain Portuguese, Greeks and Italians — "noble peoples in their way but not ideal people to put in charge of a single central bank."

Lord Rippon of Hexham (C), who conducted British entry negotiations when Edward Heath was prime minister, said that before a referendum there ought to be more free votes in the Commons. It was "almost bizarre" to hear Mrs Thatcher accuse the government of being arrogant and wrong. She had hardly allowed the cabinet to make decisions, let alone Parliament or the people.

Europe reports, page 11  
Letters, page 18

## AROUND THE LOBBY

### Cardiff Bay to get extra cash

The government is to provide more money for the development of Cardiff Bay, David Hunt, the Welsh secretary, announced yesterday as the Cardiff Bay barrage bill was getting its second reading in the Commons. Mr Hunt said that a further £22 million is being made available, bringing provision for the next three years to £130 million. He told the Commons: "The attractive new environment created by the barrage will result in 25,000 direct and 7,500 indirect jobs. Private sector investment of over £1 billion will be attracted into the area, and 4,800 homes will be built of which a quarter will be low-cost social housing."

The bill replaces the private measure sponsored by Cardiff Development Corporation and Labour-controlled South Glamorgan county council, which failed to make progress through the Commons for more than two years because of fierce opposition from some South Wales Labour MPs. They argued that it could damage the environment and threaten wildlife.

### Port sale date

The Port of London Authority hopes to complete the sale of Tilbury, London's biggest port, by the end of next February, Patrick McLoughlin, shipping minister, said.

### Rail link bank

Malcolm Rifkind, transport secretary, said at question time that he is soon to appoint merchant bankers to advise on private sector finance for the Channel tunnel rail link. He emphasised the importance of private sector finance in the project.

### BR under fire

British Rail's Network SouthEast was criticised sharply by Malcolm Rifkind, transport secretary, during question time. He said that, although the service had improved, "recent performance on the Kent coast lines has not been acceptable."

### Greetings

Roger Freeman, public transport minister, took advantage of being the first MP to speak in the Commons yesterday to wish the Speaker, Bernard Weatherill, a happy birthday. He was 71.

### Parliament today

Commons (2.30): Questions: Employment; prime minister. Further and higher education (Scotland) bill, second reading. Lords (2.30): Nurses, midwives and health visitors bill, committee.

## Firms to aid staff entering politics

BY ROBIN OAKLEY, POLITICAL EDITOR

IN AN effort to halt the decline in the number of MPs with experience of industry, some leading companies have agreed to encourage their employees to go into politics just as they smile on their involvement with the Territorial Army or as school governors.

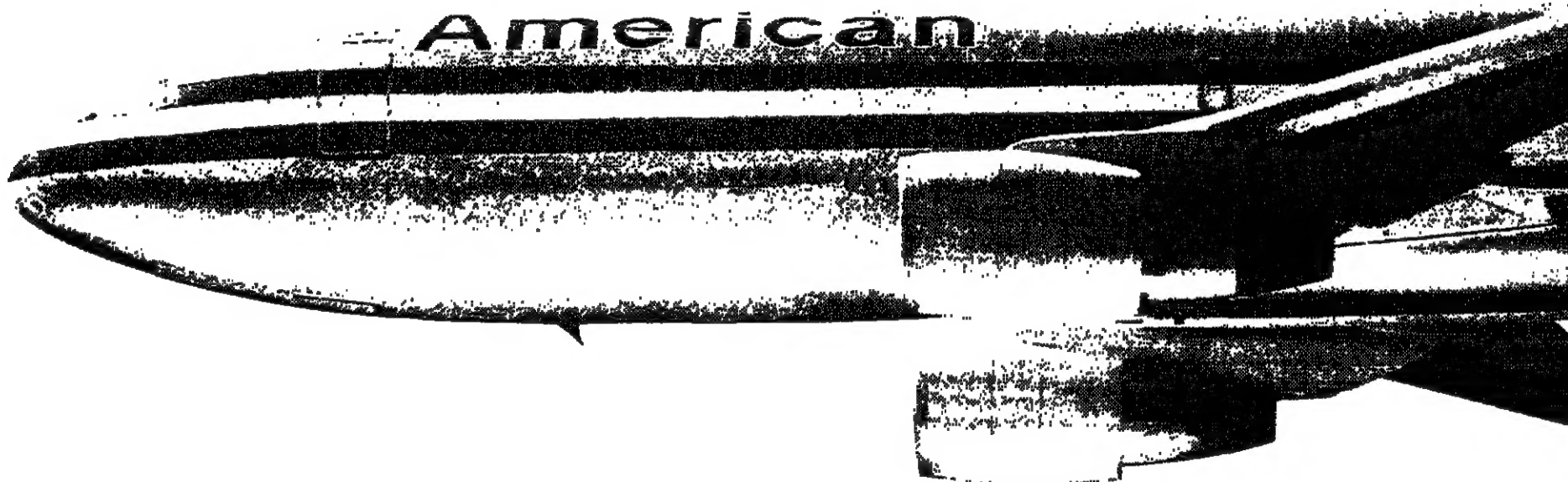
British Petroleum, ICI, Reed International, the Dowty Group, British Nuclear Fuels, Nationwide, B & Q and Marks and Spencer are among more than 20 companies that have announced their support for a declaration on political service drawn up by the Industry and Parliament Trust. This says that companies should encourage their employees to become involved in constituency parties and make plain what support they will offer to those who opt for political careers.

The declaration, which is headed by a quotation from Plato: "The penalty that good men pay for not being interested in politics is to be governed by men worse than themselves",

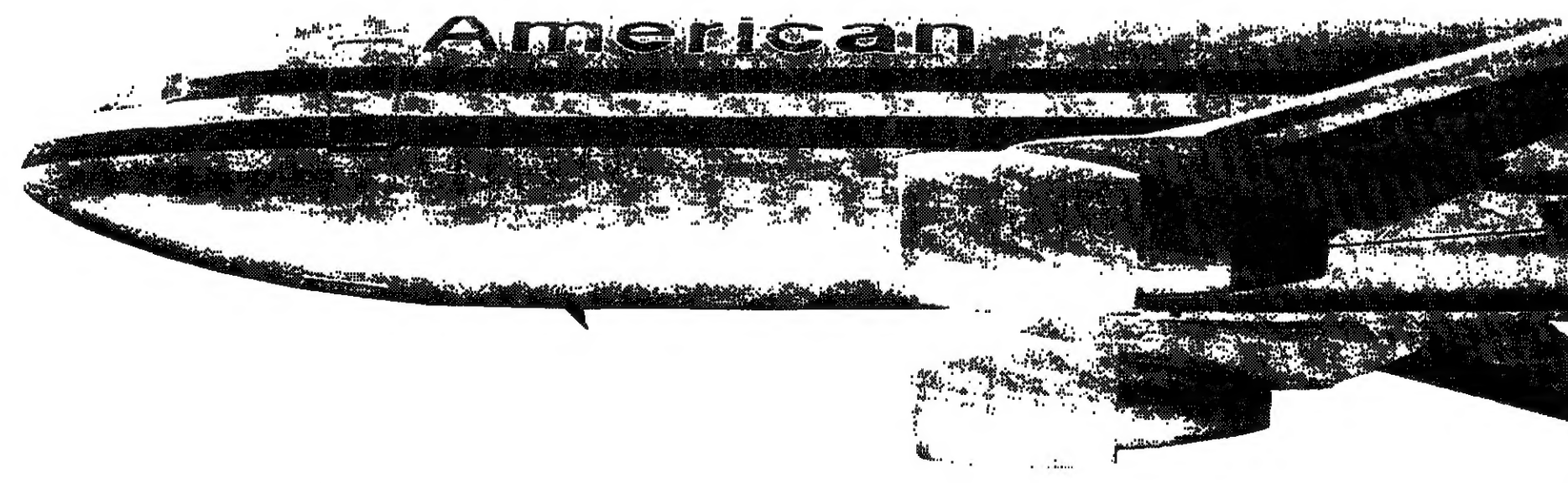
states: "We believe that it is essential for the health of the democratic process that political service should be regarded as part of community service". The document adds that many companies have encouraged Territorial Army membership and school governorships for middle management development and that similar policies should be adopted by companies for those interested in political service. It pledges "positive encouragement" for those self-motivated enough for politics.

The Industry and Parliament Trust, which seeks to keep the worlds of business and politics in contact by attaching MPs of all parties to companies and by bringing businessmen to Westminster to see how it works, has become alarmed about the decline in business experience in Parliament. Of the 130 MPs first elected in 1987, only 21 per cent could be said to have made their living in any sense from business, compared with 32 per cent in 1979.

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# Young bands get timely tips on cleaning up their act

Longevity in pop is linked to mastery not of guitar but washing machine, reports Peter Victor

REGARDLESS of the death of Freddie Mercury, the former lead singer of Queen, hundreds of thousands of young musicians strive for fame and wealth in the music business. Most are convinced that they have the willpower to avoid the excesses which lead to self-destruction or, perhaps worse, obscurity.

The 1992 national schools Panasonic Audio rock and pop competition was launched yesterday at the Rock Island Diner in central London. Several hundred bands of would-be pop stars are expected to enter. Members of the band Project X, runners-up this year, were not dissuaded by the fate of rock and roll's casualties. Iyare Igbehon, aged 18, lead vocalist and most vocal of the band, from Islington VI form centre in London, summed it up thus: "It's all about control."

The band members, aged between 16 and 18, are confident they can cope with temptation. "It's got to be foremost about making music," Mr Igbehon said, conceding that extra exposure to girls was a bonus. Sam Frank, aged 16, the band's saxophonist, said the demise of established stars served as an object lesson: "If you've got any brains you'll look at what everyone else has been doing and how bad they've turned out. Whether or not they're rich, they're a mess."

Rozalla, aged 27, a singer whose dance single "Everybody's Free" reached number six in the Gallup poll, acknowledges the dangers but is willing to risk them for success. "I wanted to get involved because of my love for music," she said. "I love singing. If you're going to take drugs or whatever, that's the individual's problem."

Kim Wilde, the pop singer whose father Marty was a teenage idol in the Fifties and Sixties, said the protection of the team around her had helped her to avoid potential pitfalls: "My mother, father, brother and my management

are there to look after me. You can't do it on your own. You can't forget about normal things. I saw an interview with Elton John saying how he didn't even know how to load a washing machine. I knew exactly what he meant. His life had become so removed from reality. My advice to Project X would be, don't forget how to use the washing machine: do their own ironing and they'll be fine."

Mr Mercury was not known to do his own ironing. What he was famous for, in addition to his music, were his wild parties, which sometimes lasted two days, and his relationships with members of both sexes.

Liberace, Alan Murphy, Level 42 guitarist Billy Lyall, a former Bay City Roller, and now Mr Mercury have died of Aids. The disease is the latest to claim performers who have traditionally fallen to alcohol and drug abuse. News that it has attacked the wealthy and famous has made it less of a subject to be talked about in hushed tones. Barnardo's and the Terence Higgins

Trust have produced a brochure, *What I Can Do About Aids*, designed as a practical guide for schoolchildren explaining what Aids is, how people get HIV and what to do if someone they know has the disease. This and a second leaflet — *Aids In The Family* — aimed at parents and guardians, will be launched by Virginia Bottomley, the health minister, today.

Rather than diminishing his stature, Freddie Mercury's reclusive last years and premature death will perhaps ensure his place in the rock and roll hall of fame more than any of his many musical achievements.

Like many before him, the fact that he died before he got too old, at 45, will ensure that fans remember him among the greats. Yesterday, William Hill, the bookmaker, was offering even money that any record by Queen would be the Christmas number one. Mr Mercury's record company is unlikely to resist the opportunity.

Mercury obituary, page 16



Sound advice: "old hand" Kim Wilde with some down to earth pointers for the band Project X at the launch of the 1992 Panasonic rock and pop competition

## Flood of shameful confessions washes away TV soaps

### Urge to tell all holds America captive

Shows flaunt issues once of interest only to voyeurs, psychiatrists and the police, writes Charles Bremner

ONCE upon a time, television talk shows were simple stuff, in which a middle-aged host elicited anecdotes from celebrities. No one would have suggested inviting an orchid for a chat or asking the studio audience to describe sexual abuse at the hands of their parents. But that was before the urge to tell all overwhelmed America, or at least its television producers.

Switch on a TV set this autumn at any time of the day or night and you will be greeted by a flood of talk shows of it revelling in "issues" that might once have interested only voyeurs, psychiatrists or the police. "How

do you manage to drive with such enormous breasts?" the host asked a blimp-shaped guest on one show devoted to the problems of such people. On another a surgeon showed off penile implants. "I can't make it long enough to hang a flag on or hard enough to drive a nail with," he quipped as the audience roared.

Video-voyeurism has been around in a milder form since the early 1980s, when Phil Donahue and Oprah Winfrey started coaxing people into airing raw emotions and intimate secrets. The genre has exploded this year, thanks to recession, intense competition for ratings and the desire of everyone, from celebrities to ordinary civilians, to air their psyches and sins for public delectation. Between one and two dozen chat shows are now on the air in the average city. They range from the genteel

daily broadcasts of Johnny Carson, the dean of the old-fashioned format, to the wilder reaches inhabited by such New York cable channel personalities as Aurora Borealis, a psychic who talks to plants, and Al Goldstein, who wears nothing while interviewing naked guests.

Minor celebrities are tried out as hosts in the low-cost programmes which are replacing soap operas and game shows as the main daytime fare. The typical guest arrives to lance an emotional wound or to discuss his or her recovery, usually from an addiction such as sex, a "substance" or a compulsive behaviour such as lying. Shows this autumn have sexual abuse, sibling murderers, Mafia women and parents who let their children have sex at home.

There seems no agony which people are not willing to relive on the box. Gerald

Rivera, the king of the shock genre, scored high ratings the other day by inviting people who had accidentally killed their children. Mr Rivera, who has just published an autobiography called *Exposing Myself*, broadcast an interview of Margaret Thatcher by her daughter Carol in London. According to Mary Berman, the producer of Mr Rivera's show, TV confession is healthy. "With the explosion around this country of support and self-help groups, this is a society really trying to make itself well," he said.

The talk epidemic is drawing censure for stepping beyond the bounds of decency. "Mr Rivera and his talk-show colleagues are attempting to whack away at a critical element in the American psyche, one that makes for decent human beings," *The Washington Times*, said recently. "It's called shame."

## Social science leads to dole

By JOHN O'LEARY  
HIGHER EDUCATION  
CORRESPONDENT

MANY of Britain's brightest social scientists are heading straight for the dole queue, according to a report published today.

After at least six years of painstaking study, more than 800 students a year are awarded doctorates only to become a "largely invisible population in the economy". The Institute of Manpower Studies at Sussex University expects their prospects to improve only if there is a sharp rise in the number of academic posts in social sciences.

Only the top undergraduates are accepted for PhDs, and most employers with experience of recruiting post-graduates would have preferred them to have spent an extra four years at work.

### First jobs for social science doctors (%)

Teaching/lecturing	37
Research (post doc)	30
Other (e.g. media, computing, social work)	17
Other research work	8
Financial services	5
Administrative/management	3
Legal services	2

Source: IMS. Percentages rounded

### Femina award

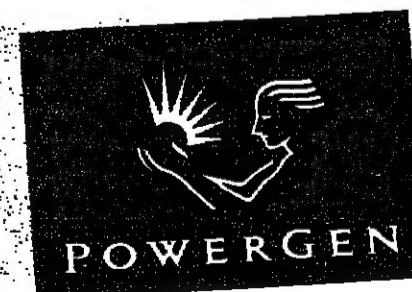
Paris: The Australian poet and novelist David Malouf has been awarded the Femina prize for best foreign novel for the French translation of *The Great World*. It was the third novel by Malouf, aged 57, who divides his time between Australia and Italy, to be translated into French. (AFP)

### Last orders

Peking: Two years after the official outlawing of government banquets, the Chinese bureaucrats' ravenous appetite for wine and dining has forced Peking to reissue a ban on the "unhealthy trend" of squandering public money on official feasts. (AFP)



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# US seeking pre-poll assault on Saddam

FROM MARTIN FLETCHER IN WASHINGTON

A YEAR before the American presidential election, the US administration is casting around for new ways to undermine President Saddam Hussein, acutely aware that Democratic challengers will use the Iraqi dictator's survival in power to detract from President Bush's victory in the Gulf war.

A high-level interdepartmental committee which was established after the war is said to have considered ideas ranging from the training and arming of guerrillas to supporting a provisional rebel government in northern Iraq. But all such solutions have run up against the same intractable problems, primarily the disunity of the Kurds, Shia and Sunni rebels and the danger of America being sucked into the quagmire of Iraq's complex internal politics.

The administration's post-war hopes that it could engineer a military coup against Saddam by sustaining Iraq's strict economic and diplomatic isolation look increasingly forlorn. Intelligence experts believed the plans would fail, largely because they depended on some degree of American leverage over internal Iraqi politics and some degree of co-operation among Iraqi rebel groups.

There was a brief flurry of optimism in Washington this month when Saddam sacked his son-in-law as defence min-

ister and brought in a hard-line cousin, but the CIA estimates that Saddam's grip on power remains as strong as ever, despite the desperate straits to which his country has been reduced. Indeed, to Mr Bush's intense irritation, Saddam has taken every opportunity to defy America, most recently by forbidding UN helicopters to overfly Iraq in their search for nuclear facilities.

One White House official laughed in acknowledgement yesterday when it was suggested that the committee had achieved practically nothing. Another, quoted in *The Washington Post*, insisted that discussion of how to destabilise Saddam's regime was still "very alive". He said: "There are a lot of ideas out there. I would not rule out that we would move in more

aggressive ways." Mr Bush and his aides still see the Gulf victory as a trump card in his re-election campaign, one that would outweigh his domestic failures, and in recent fundraising speeches he has repeatedly castigated congressional Democrats for their opposition to the war.

"If I had to let Ted Kennedy tell me whether I could move a half million troops to the Middle East, Saddam Hussein would still be in Kuwait and he'd be moving into Saudi Arabia," Mr Bush told Houston Republicans. "Thank God I didn't have to listen to those carpers telling me how to run that war."

But the president's Democratic opponents now believe they can turn that victory against him. "Iraq is going to be a liability. You know what you do? Show pictures of Saddam Hussein reviewing his troops and say 'Congratulations, George'," said Mario Cuomo, the governor of New York state and the potential Democratic frontrunner.

President Bush made the "worst deal" possible, said Mr Cuomo. He won the war on the battlefield but lost it thereafter.



Saddam: his hold on power remains strong

## Israel delays reply

FROM RICHARD BEESTON IN JERUSALEM

AMERICAN efforts to reconvene the stalled Middle East peace negotiations next month were only partly successful yesterday as the deadline passed for replies to Washington's invitations but with Israel and Syria still undecided.

Although Lebanon said officially that it would attend proposed talks in Washington on December 4, and the leader of the Palestinian delegation predicted his team would also attend, Damascus remained uncommitted and Israeli leaders insisted they needed more time to formulate their response.

In Jerusalem, Yitzhak Shamir, the prime minister, consulted senior ministers and aides about President Bush's invitation, but officials insisted that a formal reply could not be sent until the inner cabinet meets tomorrow. While senior aides, such as Zalman Shoval, Israel's ambassador to Washington, predicted that the answer would be positive, the Likud-led government is still angry at what it regards as a snub to the Israeli leader during his visit to Washington last Friday, when his proposal for a regional venue was apparently ignored by Mr Bush.

Israel insists that the bilateral talks with its neighbours should be held in the region and that, even if it does attend the Washington talks, the venue and other procedural problems will dominate its agenda.

"We are speaking of a possibility of one or two meetings in Washington, on the assumption and agreement in advance that the other talks will be in the region and adjacent area," said Moshe Nisim, the trade minister. A poll yesterday in the *Yediot Aharanot* newspaper suggested that 78 per cent of Israelis say the government should attend the conference.

## Druze novel burnt

BY RICHARD BEESTON

MUSBAH Halabi, the Druze Israeli author, does not like to be compared with Salman Rushdie. Both were accused of betraying their religions, and both were condemned and threatened for what they wrote.

But when Halabi was ostracised by his society, he burnt his book rather than live under a gag. The incident, largely ignored by civil rights activists and writers in Israel and elsewhere, first emerged this summer when advance copies of *Diary of a Young Druze Girl* were circulated among Israeli literary critics. The novel, which was written in Hebrew, attempted to reveal through the eyes of a young girl in Halabi's village of Daliyat al-Carmel the nature of his close-knit community.

The Druze are a secretive sect who have lived in the mountainous regions of Israel, Lebanon and Syria, since they split from the Islamists in the 11th century. When Halabi, aged 48, attempted to explain how a strict, almost feudal society met the challenges of life in the modern Israeli state, particularly over sensitive subjects such as sex, he was excommunicated by the religious hierarchy and had to be given 24-hour police protection after receiving death threats.

"You cannot compare me to Salman Rushdie. I never touched the subject," he said. "I live among my own people. I accepted the demands of our leaders."



## Muslims to hang for Jordan murder plot

FROM REUTERS IN AMMAN

JORDAN has sentenced eight Muslim fundamentalists to death for planning car bombs, attacking a foreign bank and setting fire to an off-licence and a nightclub.

A 30-page judgment was made available yesterday by the three-man military tribunal, which found the eight guilty after a trial that began in September. Two of the men were tried in absentia.

Twelve other defendants received prison sentences ranging from four years to life with hard labour. The defendants cannot appeal against their sentences, but King Hussein and Taher al-Masri, the prime minister, can commute them. Prosecutors said that those convicted were mem-

bers of the "Prophet Muhammad's Army", an underground fundamentalist group dedicated to setting up an Islamic state in Jordan.

All of those sentenced to be hanged were convicted of attempted premeditated murder among other charges. The court documents did not reveal their defence.

The court found them guilty of attacking a branch of the British Bank of the Middle East and of planting two car bombs in which a security official and the daughter of a priest each lost a leg. The defendants also set fire to the off-licence and a nightclub. The group had put the Canadian ambassador under surveillance.



Homeward bound: Thomas Sutherland, the freed hostage, leaving hospital in Wiesbaden, Germany, on his way home to San Francisco in time for Thanksgiving on Thursday. He was kidnapped in Lebanon six years ago

## Revolt by Iran's deputies grows

BY HAZHIR TEIMOURIAN

A PARLIAMENTARY revolt now gathering pace in Iran is challenging the legitimacy of the post-Khomeini establishment and threatens political and religious turmoil in the run-up to April's election.

After a meeting three weeks ago between 35 deputies and Grand Ayatollah Hossein-Ali Montazeri, the deposed successor to Ayatollah Khomeini, a list of more than 100 signatories is said to be circulating in the *majlis* (parliament) calling for Ayatollah Montazeri to be declared rightful leader of state in preference to Ayatollah Ali Khamenei, the official spiritual guide. A radical deputy speaker, Hojatoleslam Hossein Hashemian, who leads the revolt, has been indicted before a clerical court for plotting against Ayatollah Khomeini's fatwas.

The radicals, who form a majority in the assembly, believe they will be barred from standing in next year's general election unless they force a breach between Ayatollah Khamenei and President Rafsanjani. They claim to be in possession of a leaked report from the president's office that he has Ayatollah Khamenei's approval for new rules preventing many depu-

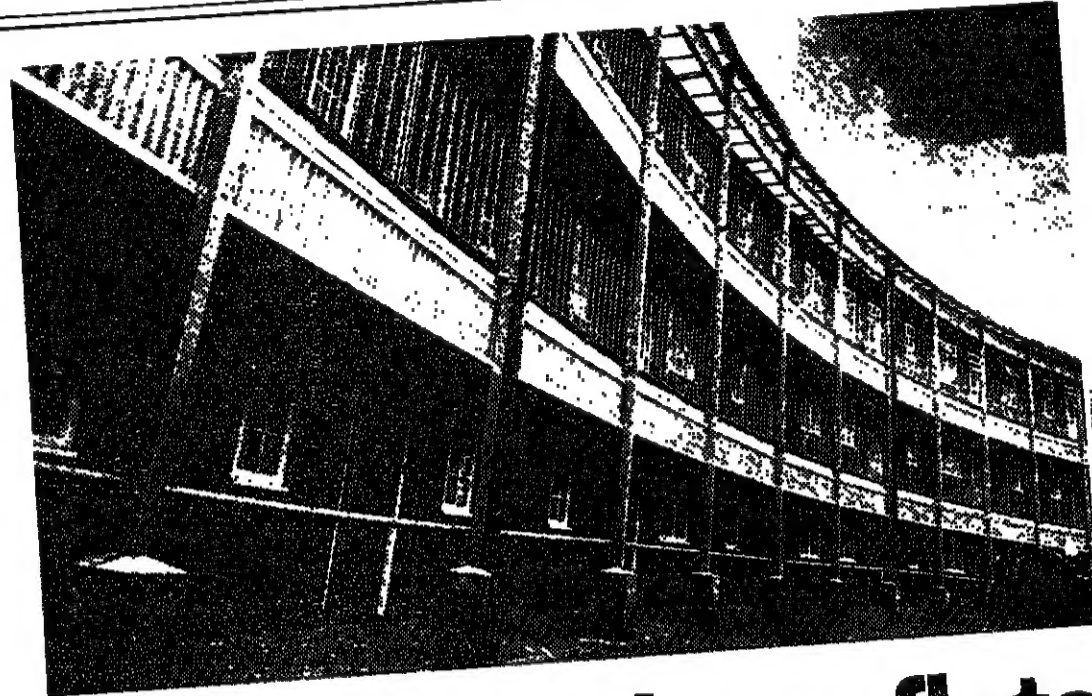
ties from standing on grounds of insufficient religious learning. Hojatoleslam Abolfazl Mousavi, editor of the *Khorasan* newspaper in the city of Mashhad, has been accused before a clerical court of publishing the alleged report.

The court has explained that meeting the Grand Ayatollah Montazeri is not an offence but said the deputies who went to see him had "ulterior motives". The deputies have denied the charges. However, in the view of Ahmad Salamati, a former liberal member of the *majlis* now in exile in Paris, "When a deputy speaker of the *majlis* goes to meet Ayatollah Montazeri, it cannot be a non-political, purely religious matter in today's Iran. It is an implied declaration of Montazeri as the top *majlis* [source of emulation], with all the obvious political connotations."

The controversy comes at a time of dissatisfaction with Ayatollah Khamenei. His elevation in 1989 was seen by some as a political intrusion into religious affairs. Now some erstwhile supporters have been alienated by economic decline and alleged corruption among officials.

Take a look at this building. Have you ever seen anything quite like it? Who in their right minds would install such ungainly looking posts everywhere, (even across doorways), place milk bottle brackets halfway up the wall and paint a flight of stairs in such a peculiar manner?

The fact is, the builder we decided to employ was totally in his right mind. Before starting work on Swail House, Epsom, the world's first block of



## By the look of these flats, the builder must have been blind.

self contained flats for blind people, we helped the contractor understand the problems blind people have getting around a conventional building.

So on every wall there is a guide rail, to help blind and visually impaired people move around more freely.

Milk bottle holders halfway up the wall, ensure that blind people aren't driven up the wall by constantly stumbling over bottles.

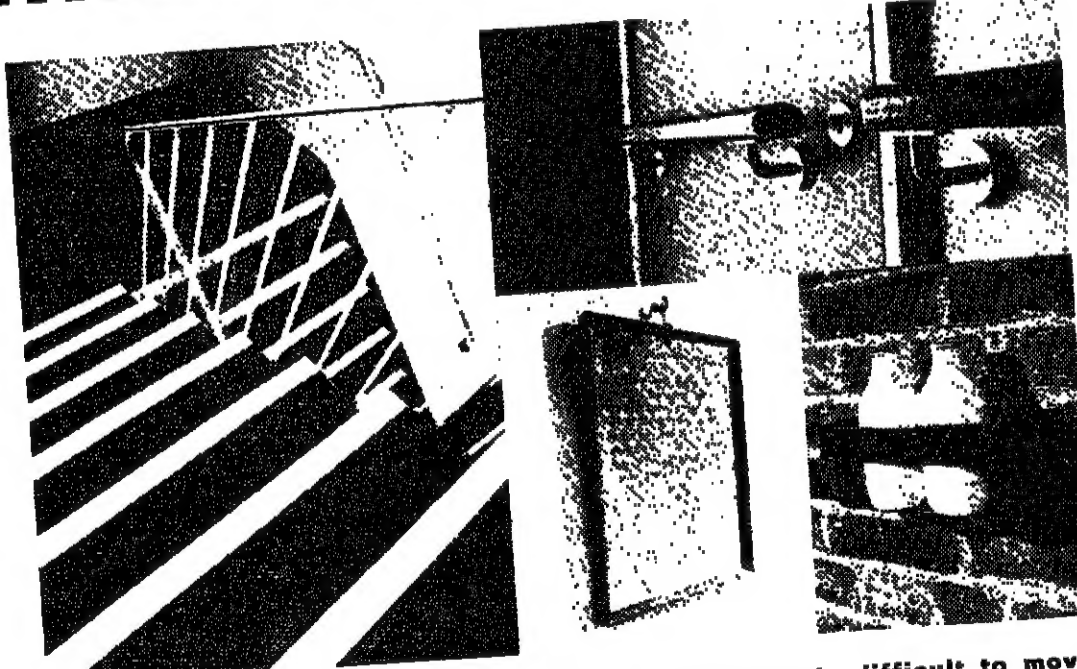
Indeed all the corridors are kept free of furniture and clutter to prevent them becoming obstacle courses.

Whilst the upright poles you can see on the outside of the building are erected so the blind residents can count them to locate their own front doors. Everywhere you look, the needs of blind people have been carefully considered, with braille fire precautions provided for their safety, for instance.

The same is true of the stairs, with each step painted with a line of contrasting colour, to assist those people with residual vision.

Swail House enables them to carry on day to day living with the minimum of assistance and therefore, lead a far more independent life.

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which often seem to display a total lack of consideration towards blind people.

Here, at Action for Blind People, we believe these attitudes are long overdue for change.

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Positive action is always our prime objective, as our name implies.

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That can often mean confronting long held misconceptions of the abilities and capabilities of blind people.

Obviously, it isn't blindness which prevents them from getting around without assistance.

It's short-sightedness.  Blindness is the least of our problems

## Action for Blind People



## Li repays Gandhi visit

## Peking and Delhi foster closer links

FROM CHRISTOPHER THOMAS IN DELHI

LI PENG, the Chinese prime minister, will arrive in Delhi on December 11 for a visit that the government here last night described as an important milestone in relations between India and China, which fought a border war in 1962.

The visit will be the first by a Peking prime minister since that by Chou en-Lai in 1960. The two sides will discuss the continuing border dispute, no longer regarded as a crucial area of conflict, and will seek ways to contain the spread of nuclear weapons in Asia. India, although under strong pressure from the United States and the Soviet Union, has consistently refused to sign the Nuclear Non-Proliferation Treaty, arguing that it will not accept terms imposed from outside. But India and China have both endorsed a Pakistani plan to declare South Asia a nuclear arms-free zone.

Mr Li and P.V. Narasimha Rao, his Indian counterpart, will also discuss economic relations. This is likely to be the most fruitful area for progress, given that Delhi's traditional links with Moscow have significantly weakened, opening the way for stronger ties with Peking. Li Lanqing, China's minister of foreign economic relations and trade, is expected to accompany Mr Li.

India is anxious to establish new international markets as

it cautiously relaxes some of its traditional protectionist policies under an economic liberalisation programme launched by Mr Rao, who took office in June. Trade between the two countries, the world's most populous, is a modest \$280 million (£155 million) a year, with Peking getting the larger share. Delhi is now clearly ready to put aside its suspicions over Chi-



Li: taking up where Chou en-Lai left off

na's close relationship with Pakistan in its drive to establish new markets.

Mr Li was to have visited India last December, but postponed his tour because of political turmoil in Delhi. The Indian external affairs ministry said last night that the visit was in response to that by Rajiv Gandhi, then prime minister, in December 1988.

An Indian government spokesman said yesterday that the two sides would discuss regional and international issues of mutual interest and concern. They would also discuss setting up consular arrangements in Bombay and Shanghai.

The spokesman added that relations between India and China had improved perceptibly since Gandhi's visit to Peking, which was the first since the border war. The momentum of high-level dialogue had been maintained and bilateral co-operation had grown in various fields of mutual interest.

A statement said: "We have conveyed to the Chinese government our desire to seek further improvement of Indo-China relations and to strengthen and deepen our mutual co-operation." Mr Li's visit would be an important step in that direction, it added.

The prime ministers are likely to review progress of a joint working group on the border, which has met three times since it was set up in December 1988. The border war centred on an area known as Aksai Chin. There have also been territorial arguments between the two countries over areas of the northeastern state of Arunachal Pradesh, with India accusing China of deliberately fomenting trouble in the region.



Escape claws: a turkey making a quick getaway as President Bush signs the annual Thanksgiving Day proclamation yesterday in Washington. The bird will not be killed for this Thursday's festivities, but given to a zoo

## Japan learns of body politic

FROM JOANNA PITMAN IN TOKYO

ANITA Roddick was in Tokyo yesterday to publicise the Japanese language version of her autobiography, *Body and Soul*, which will be published next April — and to drop in on her three Tokyo Body Shops. Mrs Roddick plans 47 new Japanese branches over the next five years.

Environmentally-sound pink grapefruit eye gel and scores of other friendly unguents have already earned Mrs Roddick billions of yen in Japan. Her Omotesando Body Shop, located in Tokyo's equivalent of Bond Street, has the highest turnover of any overseas branch.

But in Japan as everywhere else, Mrs Roddick has a more elevated agenda than just selling bottles of shampoo. She is energetically banging the drum for environmental issues, on behalf of assorted political prisoners and against animal-testing. As a high profile businesswoman, Mrs Roddick stands out in Tokyo, brow-beating Japan's cosmetics company presidents, mostly balding, blue-suited sexagenarians who would normally blanch at a Brazilian rainforest nut oil and beadwork project unless it guaranteed exemplary returns.

While the Japanese are taken aback by Mrs Roddick, she in turn is clearly taken aback by their cavalier approach to global resources. The Japanese discard 20 billion chopsticks a year, made from enough new wood to build 5,000 sizeable houses. Last year Tokyo's 12 million inhabitants threw out roughly 170,000 televisions and over 250,000 bicycles, many of them in good working order. Japan's consumer giants take care to ensure their goods are never quite durable enough.

Breaking Japan's obsessive gift-wrapping habit is at the top of Mrs Roddick's action list. Buying even a bottle of soy sauce in a department store triggers the production of yards of glossy paper wrappings to be artistically folded and taped for multi-layered protection, with enough pasting of stickers and winding of ribbons for a game of "pass the parcel".

Next door, in the Body Shop, customers are lucky to get a brown paper bag. This has gripped a generation of young Japanese teenagers who spend weekend afternoons sniffing their way round the Body Shop shelves and emerge with armfuls of £2.50 bars of soap.

The environment has yet to become a political issue in Japan. But the government's sloth has spawned hundreds of hardy consumer activist groups run by ordinary housewives.



Roddick: hanging the drum on environment

## Somali keep up pressure

Nairobi: Mogadishu, the capital of Somalia, suffers its ninth consecutive day of fighting between rival factions of the ruling United Somali Congress as aid workers reported that at least 4,500 people had been wounded and hundreds killed in the confrontation between President Ali Mahdi Muhammad and his most senior general, Muhammad Farrah Aidid (Sam Kiley writes).

Staff from Médecins sans Frontières were able to cross battle lines into the north of the city, which is held by members of the Agbar sub-clan loyal to Mr Ali Mahdi, and managed to get much needed medical supplies to the Somali government.

A spokesman said: "The situation in this part of the town is very critical. Some houses have been turned into emergency hospitals and we assume that two to three thousand people injured in the fighting are trapped."

Mogadishu has had no running water or communications with the outside world since President Mohamed Siad Barre was driven out of power into hiding behind the rump of his forces in western Somalia.

## Miners clash

Johannesburg: Eight miners were killed and 17 more were seriously injured in clashes between Sotho and Xhosa-speaking workers at the President Steyn gold mine at Welkom in the Orange Free State.

## Victims named

Jakarta: Amnesty has released a list of 80 people it claims were killed or wounded or are missing after recent shootings by Indonesian forces in East Timor. Indonesia says it will investigate the list. (AFP)

## Djibouti truce

Djibouti: Rebel Afar tribesmen fighting government forces in Djibouti, in the Horn of Africa, announced a ceasefire from midday tomorrow, saying they wished to open peace talks and allow in humanitarian aid. (Reuters)

## Marcos list

Manila: The Philippines filed new corruption charges against Imelda Marcos, widow of the former president. State lawyers said she could face nearly 400 years' jail if convicted on all 66 criminal cases so far lodged. (Reuters)

## Arms protest

Canberra: About 200 demonstrators, including an Australian MP, were arrested when police clashed with 600 protesters blocking an international military equipment trade show near Canberra. (Reuters)

## Pit bull ban

Canberra: Australia announced it would ban the import of pit bull terriers and three other dog breeds considered dangerous. The move follows a spate of attacks on children. (Reuters)

## Hunt deaths

Exeter, New York: Gene Bulak committed suicide with his shotgun after discovering he had accidentally shot and killed his 18-year-old son, Michael, after they took different paths while deer-hunting in New York state. (AFP)

## Isolation of Moi increases

FROM SAM KILEY IN NAIROBI

PRESIDENT Moi looked increasingly isolated yesterday in resisting moves for democracy in Kenya after a series of speeches at the weekend by administration figures calling on the government to open a dialogue with opposition leaders. Mr Moi again demanded that "foreigners" should cease their pressure.

Since the arrest and subsequent release of 12 members of the Forum for the Restoration of Democracy on charges of organising an illegal pro-democracy rally in Nairobi two weeks ago, at least five members of the government have urged Mr Moi to hold talks with the organisation. Mr Moi has hinted Kenya could be a multiparty democracy within three years, and is expected to announce elections for early next year. However, as international pressure mounts for faster reform, members of President Moi's party, the Kenyan African National Union, seem keen to distance themselves from his apparent intransigence.

Most prominent of those who has called for change is Peter Oloo Aringo, the party chairman and minister for manpower planning and employment. He was joined over the weekend by Nahashon Kanyi, a minister in the president's office, Maina Wanjigi, a Nairobi MP, Onyango M-dika, minister for regional development, and Geoffrey Karithi, the assistant minister for tourism and wildlife.

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## Fortress Cuba crumbles

FROM CANDICE HUGHES IN HAVANA

DAY by day, some things grow scarcer and others move more slowly. Factories, shops and stores are silent. Buses, trucks, tractors and trains stand idle.

Torpor seems to grip this communist bastion only 90 miles from Florida. A siege mentality is in evidence, and official rhetoric has taken on an apocalyptic tone since Soviet communism was brought down by the failed coup in August against President Gorbachev. "If they have to kill all the people to crush the revolution, then the people, behind their leaders and their party, will be willing to die," President Castro declared at the end of the Cuban Communist party congress last month.

Many other Cubans wrestle with painful questions raised by the Soviet upheaval. It is a time of profound economic, political and personal crisis seen by some as an opportunity to reinventorise ideals, redefine Cuban socialism and look beyond Lenin.

"Socialism should always

be green, like a palm," said Santiago Pérez, a political scientist at the Centre for American Studies. The key, he and many other party intellectuals believe, is not to lose sight of the humanity at the heart of the Cuban revolution, of commitments such as free health care and education. Others find their convictions thrown into doubt by the sudden death of Lenin's party, an event Dr Castro described as "terrible, incredible, inconceivable." A psychologist told of a professor of marxism-leninism who lay on the couch and wept during therapy after the Soviet coup failed. Values are crumbling, the psychologist said, and personal relationships are fraying.

For many Cubans, the most pressing questions centre on the increasing difficulty of daily life: where to get milk or meat, or catch a bus. Some, especially the young, chafe at a future that seems bleak.

The fall of Soviet communism ended an already dy-

ing relationship between President Castro and the Kremlin. It closed 30 years of patronage that supplied his island's ten million people with everything from paper to petroleum. Soviet aid was dwindling and nearly everything had been rationed by the time statues of Lenin began to tumble. Now, nobody knows what will happen.

After the shock of the Soviet coup, many Cubans looked for answers to their party congress, and found none. President Castro quashed the two most hotly debated topics — a more open press and market — and the party endorsed only measures discussed long before the Soviet upheaval.

As Carlos Lage Davila, a politburo member, told the congress: "This special period will oblige every Cuban to define himself. The real revolutionary is firmer in this hour, more convinced, more optimistic. The opportunist is unmasked. The coward drops out or joins the enemy." (AP)



# Guns mock ceasefire in Croatia

FROM BILL FROST IN BELGRADE

CONTINUED fighting in eastern Croatia yesterday appeared to make a mockery of the ceasefire organised by the United Nations to halt Yugoslavia's civil war. The federal army maintained their bombardment of Osijek with a series of attacks during the small hours.

Sporadic shelling took place for the rest of the day in defiance of the 14th ceasefire. General Milan Pucic, a commander with the Serbian-led federal army, said that Osijek would be taken if its defenders continued to fire on his men. Federal troops also moved against villages to the south of Osijek, tightening their grip on the city and cutting supply lines.

Perhaps in deference to the "ceasefire", fighting was not as intense as before. Most of the clashes were confined to eastern Croatia, with the rest of the war zone reported quiet but tense.

Over the weekend federal forces overran Laslovo, a strategically important village to the south of Osijek. Croat troops, outnumbered and out-gunned, fought a house-to-house battle before conceding defeat.

The fall of Vukovar last week freed thousands of well-equipped federal troops for the battle around Osijek. Serb irregular and territorial units have also been deployed around the city.

General Pucic, assistant



secretary for national defence with the Belgrade government, denied last night that federal forces had been responsible for the latest barrage on Osijek. If shells had fallen on the city it was the work of Serbian irregulars, he said.

"We would not sweep over it as we did in Vukovar, but we would be forced to take it. We must protect Serbs in Croatia from genocide, neutralise Croatian fighters and ultimately defeat fascism," he said.

Croat commanders and many military observers in Belgrade believe the federal army will only begin to honour the ceasefire agreement once Osijek has fallen. Even then, the Serbian-led forces are still believed to have territorial ambitions on Vinkovci, a predominantly Croat town to the south.

Living conditions in Osijek are known to have become nightmarish for those who chose to stay and face the bombardment. Many hide in large underground shelters or cellars, rarely venturing above ground. Between sporadic bouts of shelling and mortar and rocket attacks make the streets highly dangerous.

Dozens of wounded civilians have been admitted to Osijek's hospital, itself the target of shelling. Staff can hardly cope with each daily influx of casualties as the bombardment continues.

UN and EC mediators are haunted by the prospect of a final assault on Osijek, having seen the destruction and suffering inflicted in Vukovar. But the protagonists are still a long way from laying down their weapons.

German threat, page 1



Family anger: David Morris, left, aged 56, from Romsey, Hampshire, fends off Erasmus di Fava, whose son Thomas was killed by a powerboat the Briton allegedly piloted off Antibes, in the South of France, in 1988. Mr Morris was attending a hearing in Grasse on charges of manslaughter and fleeing the scene

## Common ground sought for Maastricht Kohl plays a careful hand

AS THE twice-yearly summit of European Community leaders approach, the British ambassador in Brussels lies awake at night worrying about France and Germany. For there is nothing Her Majesty's representative fears more than being ambushed at the last moment by Paris and Bonn.

Sir John Kerr, Britain's man at the EC, must study each dot and comma emerging from Paris and Bonn for clues that his delicate diplomacy might suddenly be wrecked by President Mitterrand of France and Helmut Kohl, the German chancellor, springing a joint statement on an unsuspecting Europe.

In the spring of 1990, while Mrs Thatcher was enjoying French discomfiture at German unification and dismissing the community's airy-fairy schemes, M. Mitterrand and Herr Kohl were writing a joint appeal for closer European integration. The end of those negotia-

tions at Maastricht could still be electrified by a relaunch of the Franco-German partnership which has always dominated the community. But the odds are against such a surprise in the next two weeks. Neither government sounds keen to increase the chances of a rupture with Britain, however disappointed they may sound about British foot-dragging on the road to the EC's "federal goal".

In search of further common ground, the prime minister travels to see Herr Kohl tomorrow for the second time in a fortnight. The German leader is an experienced player at the poker table of community summits and gives away few clues. But he emphasised that his list of key demands

is very different from the British bottom line. He wants the European parliament's veto applied to several important subjects, majority voting installed for foreign policy decisions and immigration policy gradually brought into the EC system. Mr Major will resist all these changes all the way to the summit.

But the chancellor has also gone to some trouble to sound friendly to Britain. He sowed confusion in a French television interview on Sunday by appearing to suggest that an "opt-out clause" could be built into the political union treaty if Britain could not accept what 11 other countries had agreed. He had been asked whether European unity could be better organised

without Britain, and had replied vaguely that any country which could not join in on all fronts could catch up later. The next day, Herr Kohl's spokesman confirmed that he had only meant to refer to monetary union — where an escape clause already exists in the draft treaty.

Herr Kohl's repeated refusal to widen divisions set the tone for the interview. People were wrong to talk about a United States of Europe as if comparing it to America, he said: "We will have our own states which will be preserved."

The chancellor denied that there was a contradiction between a Europe of the community and a Europe of nation states: some powers would be transferred, but "we will always stay within the framework of laws of national parliaments."

Diary, page 14  
Letters, page 15

## Britain rejects curbs

BY GEORGE BROCK IN BRUSSELS

BRITAIN yesterday rejected proposed European Community rules and punishments for limiting economic deficits by states joining a future single European currency.

Norman Lamont, the Chancellor of the Exchequer, outlined British objections to the way in which the Dutch draft treaty on monetary union sets ceilings for government deficits for countries which opt to join a monetary union in the late 1990s. He also made progress in ensuring that the rules would only be unenforceable guidelines during the second stage of preparation for currency merger, which is due to start 1994 and which will include Britain.

The monetary union treaty is due to be completed by the EC's Maastricht summit, which is due to finish in a fortnight's time. Yesterday's messy and inconclusive discussion was a technical interlude before a final, three-day debate on the text which the finance ministers will hold early next week.

Mr Lamont, with support from a number of countries, argued that a rule to penalise states which ran a government deficit higher than 3 per cent of gross domestic product might be unworkable.

Half the countries in the EC, he told the meeting, would be under the economic surveillance of the EC Commission and threat of sanctions if that figure was being rigidly applied now. Britain is arguing that a figure around 3 per cent can be used as a benchmark, provided that figures for several years are taken together.

Other ministers also objected to the second deficit rule which would confine governments to keep public debt below 60 per cent of GDP. But the meeting's chairman, Wim Kok, the Dutch finance minister, strongly counter-attacked, saying that suggested revisions would produce "too much flexibility". He was immediately supported by Germany.

Mr Lamont also attacked the proposal in the current draft treaty for fines to be levied on states which persistently break the financial disciplines for the single currency regime, arguing that a European central bank might be unwise to take money from a government which was already having trouble making ends meet.

## Kohl grooms an heir

Bonn: Wolfgang Schäuble, paralysed from the waist down after an assassination attempt, took over yesterday as leader of the Christian Democrats in the Bundestag, a job which makes him heir apparent to Helmut Kohl, the party chairman and chancellor (Jan Murray writes).

Now aged 49, Herr Schäuble has long been regarded as the chancellor's personal choice to succeed him. Serious doubts about his ability to do so arose, however, when he was almost killed in October last year by a gunman from point-blank range after an election meeting in his Black Forest constituency.

Despite his serious injuries, however, Herr Schäuble was back at his desk running the interior ministry within six weeks. Confined to a wheelchair, he nevertheless maintained a punishing schedule, running one of Germany's most difficult and demanding portfolios.

A member of the Bundestag since 1972, the chancellor spotted his organisational talents in 1984, when he was brought into the private office to take the everyday burdens of detailed planning off Herr Kohl's back, pleasing the chancellor by dealing efficiently but quietly with delicate problems.

## Poll swing

Brescia: A local autonomy movement, the Lombard League, joined the supremacy of Italy's Christian Democratic party here by gaining 24.03 per cent of the vote in local elections, seen as an opinion barometer. (Reuter)

## Trawler lost

Rome: Storms hit Italy over the weekend, causing widespread damage and loss of life. A 144-tonne fishing trawler with nine men on board was missing off the Sicilian coast.

## Toreador dies

Nîmes: Nîmes 11, aged 37, the best-known bullfighter in France, committed suicide at home two years after a bull seriously wounded him in the ring and ended his career, his family said. (Reuter)

## Sperm tests

Paris: France decided to make tests for Aids compulsory in all sperm donations, Bruno Durieux, the health minister, said. Testing of donor blood and organs is already compulsory. (AFP)

## Tajiks attack poll win

FROM BRUCE CLARK IN MOSCOW

ONE of Central Asia's old-guard communist power brokers claimed a clear victory yesterday in elections to the presidency of Soviet Tajikistan, prompting his main opponent — a liberal film-maker who also enjoyed Muslim backing — to allege widespread malpractice.

Officials said nearly 60 per cent of the voters in the territory near the border with Afghanistan and China had voted for Rakhmon Nabiyev, aged 61, who served as head of the Communist party until 1985 before falling foul of Mikhail Gorbachev, who had recently been appointed general secretary. Mr Nabiyev was proclaimed chairman of the local parliament this September when conservative legislators, bucking the trend in the rest of the country, temporarily reversed a ban on the Communist party and tried to reassert its authority.

Davlat Khudonazarov, aged 47, the distinguished film director who was credited by official results with second place and just over 25 per cent of the votes, said the leadership was guilty of "falsification and manipulation" of the electoral returns. Mr Khudonazarov, the president of the Soviet Cinematographers' Union, said his campaign workers had extensive evidence in photographs and video film of ballot papers being handed out improperly and of citizens being lobbied illegally at polling stations.

The film-maker, who was backed by a broad coalition of opposition forces ranging from secular reformists to Muslim clerics, said all political forces should work together to ward off a new threat from totalitarianism. Mr Nabiyev, making a remarkable comeback after losing office six years ago and then being officially rebuffed over a housing scandal, sought to draw on the nostalgia of older people for the "stability" of the communist regime when living standards were low but guaranteed.

The dispute over the election result could lead to further unrest in a republic whose capital, Dushanbe, has been shaken by two waves of demonstrations in as many years. The Tajiks, a Persian-speaking people surrounded by Turkic nations, have long feared their republic could be a flashpoint in a disintegrating Soviet Union.

## Two polls confuse Tiraspol

FROM ROBERT SEELY IN TIRASPOL

FEARS are growing that Moldavia will become the Soviet Union's next ethnic battlefield as the republic's Romanian-speaking majority and its Slav minority hold separate, rival elections.

Political leaders in this staunchly pro-Soviet industrial city, dominated by ethnic Russians and Ukrainians, allege that the Moldavian leadership is preparing to coerce them into unity with Romania after a republican ballot on December 8.

To pre-empt that poll, the self-proclaimed Slav republic of "Transnistria" — which occupies a thin strip of land around Tiraspol — has scheduled its own elections for next Sunday. "We hope for a political solution to our problems but we are prepared for the worst," said Vyacheslav Zagredsky, deputy chairman of the "parliament" of the breakaway Slav territory, which claims 55 per cent of the Moldavian economy.

There is still confusion, however, about the future of this "republic": as a fully sovereign state, as a constituent part of a new Soviet confederation, as part of the Ukraine or as part of a ramshackle arrangement of the small Soviet regions which recently sent delegates to a conference in Tiraspol. But most people in the city are certain that they do not want unity with Romania.



Super-spy suspect: Gabrielle Gast, a specialist on the Soviet Union for West Germany's intelligence service, who is accused of betraying secrets to East Germany for 22 years, outside Munich court yesterday as her trial began. Frau Gast, aged 48, was said to be one of East Germany's most valuable agents, codenamed "Gisela" (AP reports). She allegedly met the East German spy

chief, Markus Wolf, seven times as she rose in the West German federal intelligence service to be deputy director of the Soviet desk. Frau Gast was arrested three days before East and West Germany united in October 1990. She was charged with passing secrets to East German agents. Her trial in the higher regional court in Munich is expected to last until mid-December.

## Paris economises with the truth

FROM PHILIP JACOBSON IN PARIS

TO JUDGE by opinion polls, the average French voter today considers the prevailing standard of integrity among the nation's political establishment as roughly comparable to that among itinerant horse-dealers.

Few will have heard of the Commission pour la Transparence Financière de la Vie Politique, and would probably laugh if the mission of this worthy institution — to throw light on the financial affairs of politicians — was explained to them.

Yet that is just what the commission, set up three years ago, is supposed to do: keep an eye on the finances of France's most senior elected officials from the president, the prime minister and members of the government to the mayors of the ten largest cities and other senior local government figures.

All of them must submit an annual declaration of personal assets. They must open share portfolios and bank accounts to scrutiny and list their inheritances. How well the system works is another matter, since everything submitted is kept strictly confidential. Only President Mitterrand's statement is for publication.

What is known, thanks to the newspaper *France-Soir*,

is that 82 declarations were received this time round. More than 60 of them came from ministers serving under Michel Rocard or Edith Cresson, his successor as prime minister. As in previous years, the commission's bureaucrats are either deluged with information — pages of data listing ownership of secondhand bicycles and the estimated market price of trinkets and souvenirs — or receive a single sheet of paper containing some fairly elementary arithmetic.

For a splendid second home or a spare limousine to be "overlooked" is not unheard of, and the commission has the power to come back for more information when it suspects, in *France-Soir's* delicate phrase, "sins due to an excess of modesty".

On paper, anyone, including ministers, who exhausts the commission's patience, officially limited to one month, could be disqualified from office.

This has never happened, and any such enforcement of the rules at senior level would astound the world of politics. As the French version of "when pigs fly" goes: do not expect anything like that "until hens have teeth".

## Belgian far right stirs memory of 1930s

FROM GEORGE BROCK IN BRUSSELS

WILFRIED Martens, the Belgian prime minister, agreed to head a caretaker government yesterday after the weekend's election results showed widespread support for an anti-immigration party and environmentalists.

Mr Martens, Europe's longest-serving prime minister, submitted his resignation but soon reappeared to lead the long search for the next workable coalition. Last time, in 1987, that took him more than three months. With tough negotiations ahead this time, Mr Martens's once-dominant Flemish Christian Democrat party said it was not its responsibility to resolve the difficulties.

He has been in power for all but eight months of the past 12 years and is the man

behind the centre coalitions which command the few levers of power still left in state hands by Belgium's decentralised political system. He has run so many cabinets that they are labelled with Roman numerals: the last one was known as "Martens IX".

But on Sunday, voters opted in large numbers for less conventional figures such as Jean-Pierre van Rossem, who leads a Flemish splinter group variously described as Poujadist, anarchist or racist. He was elected as MP for Antwerp while in jail on suspicion of fraud.

The rise of the extreme right in Antwerp, the main city and port of the northern Dutch-speaking region, led astonished politicians to ask yesterday if they were not

living through 1936 again. The Belgian election of that year, held in the shadow of Hitler's occupation of the Rhineland, saw fascist parties make big gains in both the Flemish and French halves of the country.

Willy Claes, the deputy prime minister, comparing the 1990s to the 1930s, called Sunday's poll a "black day". One writer in the Brussels daily *Le Soir* lamented that Antwerp was now joining Marseilles, Vienna and Bremen on the list of European cities which have seen revivals of the far right, which has profited from dislike of immigrants from North Africa and Eastern Europe.

Between a fifth and a quarter of Antwerp's voters backed the Vlaams Blok, an un-

ashamedly racist Flemish party whose campaign literature would be illegal in Britain. Cartoon strip leathers draw lurid nightmares of cities dominated by mosques, invaded by black and Arab drug addicts and muggers, pinning the blame on the established parties.

The centre parties have caught the mood. The candidate for the Liberal party who stood for the area of Brussels next to the headquarters of the European Commission distributed cartoons of an African woman being advised how to work the social security slot-machine by a man in a turban. Parties of both right and left lost ground — socialists doing worse than Christian Democrats. Only the Flemish ultra-nationalists

and green groups gained ground.

The five parties of both left and right which formed the last coalition still hold a majority in the parliament. But they will be hard put to command the two-thirds majority necessary to push through the latest round of constitutional reform, which aims to transfer yet more power to the regions. One newspaper yesterday predicted that the election was the beginning of a "long crisis".

Despite these difficulties, Mr Martens will preside today at a meeting of the European Community's six Christian Democrat leaders to discuss their tactics for the Maastricht summit.

Leading article, page 15

## LAYTONS discover lost cellar of RARE BURGUNDY

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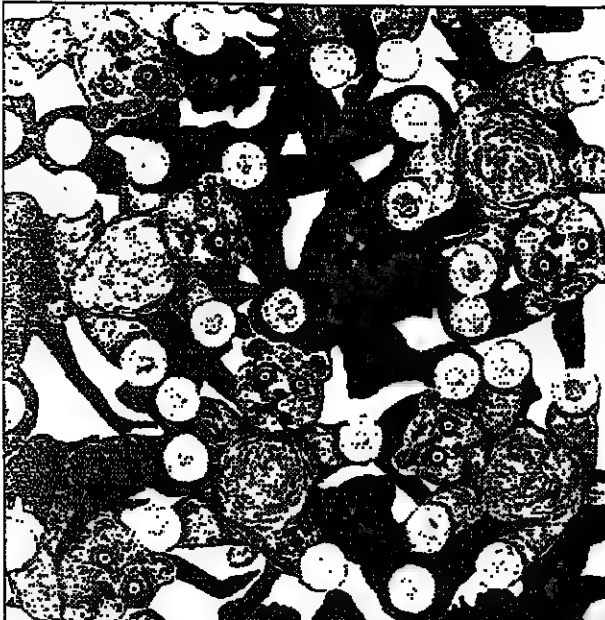
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# Time for the public to judge our voyages of discovery



Critic's choice: *How if you had it No 1*, by Laura Ford

Most critics have, at some time or other, given heartfelt endorsement to the time-honoured cry: "How do I know what I think till I read what I've written?" For people in the art world, that can often be adapted to: "How do I know what I like till I see what I've selected?"

Now about to launch its second annual foray, The Discerning Eye (which opens to the public at the Mall Galleries on Friday) is a clear case in point. The show is selected by six individuals: two collectors, two artists and two critics. And this really means six individuals, not a committee of six the selectors finally act in concert only to choose the prize-winners for the concurrent Evening Standard New Discovery Art Prize. The selectors each invite artists of their choice (who may or may not be "new discoveries") to make up about three-quarters of their selection, and pick the other quarter from the open submission for the prize.

John Russell Taylor reveals how he and his co-selectors resolved to flaunt their differences when choosing this year's Discerning Eye exhibition

This unique selection routine leaves the selectors unusually unprotected by the cloak of anonymity that any group decision provides. Happily unprotected, I would say: since I was one of the two critics this year (the other being Tim Hilton of *The Guardian*) I can testify that none of us seemed to feel any qualms about exposing the oddities and limitations of our taste to public gaze. The exhibition itself is hung selector by selector, so that there is no fudging which selector is responsible for the presence of which art.

Everyone on the team appeared to come with strong views and few preconceptions. The final choice looks like what it was: a voyage of discovery on the part of each, not only into the art of today, but into his or her own psyche. The pairs

could hardly be more contrasted. The two artists were the colourful abstractionist Gillian Ayres and the sober traditionalist William Bowyer; the collectors were Lord Gowrie, whose interests are firmly in the "thinginess" and self-sufficiency of art, and Sir Brinsley Ford, who is in his eighties. He disarmingly told the story of an elderly collector who told him she had bought all her really innovative works before she was 25, because "after that age you lose your eye," and then went on to prove that he is still as tuned-in as anybody to what the youngest artists are doing today.

Probably the one thought we all had in common was: "I'll know it when I see it." The open submission works were paraded before us as in a Royal Academy selection, and

anything anyone liked was retained for consideration. There was a lot of dross, of course; but it was noticeable that, however disparate our tastes might be, every now and then an (unidentified) artist would come up who had us all immediately on our feet for a closer look. Frequently more than one selector would suggest retention, and in the final choice there was virtually a bidding process for some pictures, though all rival claims were finally resolved without rancour.

The selectors' comments in the catalogue are often revealing, in that they all come after the event, and detail really what we found out about ourselves doing the selection. Gillian Ayres writes that she enjoys "art which shows an awareness of Matisse's existence"; Lord Gowrie finds he goes for tactility, William

Bowyer responds to a sense of continuity and contribution to British life; Sir Brinsley Ford regrets a lack of interesting sculpture or drawing in the submission; Tim Hilton likes artists who "sing their own songs," whatever the song may be; and I find that I have been drawn particularly to art which seems to reflect some sort of parallel reality, the reality of dreams and vision.

Of course, visitors are free to conclude that any or all of the selectors are tasteless and may be demented. Some no doubt will. But that is a large part of the fun. At least there is nothing here that is merely flat, anonymous and dull. From the oldest exhibitor, Richard

Enrich (88), to the many new discoveries still in their early twenties, they all set out with a will to do it their way.

The Discerning Eye is at the Mall Galleries, The Mall, SW1 0J7 930 6844 daily 10am to 5pm from Friday to December 7.

## DANCE

# Hitting heights, jumping for joy

As Paul Taylor's troupe prepares to visit London, the man who made modern dance accessible talks to Debra Craine

Like his choreography, Paul Taylor is a study in opposites: a powerful physique and a fragile nature, a quick mind and a slow delivery, a sunny smile and a dark heart. Here is the man who makes dances of athleticism and etherealism, punch and poignancy, ecstasy and elegy. He is also the most popular modern dance choreographer in the world.

For the past 36 years he has had his own company which has performed in 300 cities in the United States and made more than 40 overseas tours to more than 50 countries, the latest of which brings his troupe to Sadler's Wells next week. He has choreographed over 90 dances for his own company, while his works are in the repertoires of more than 20 ballet and contemporary companies around the world, including four in Britain.

No other modern dance choreographer has enjoyed the kind of exposure Paul Taylor has. "I am very happy for ballet companies to do my work," he says. "I feel so lucky that the work can be seen so often and by so many people in so many places. It's never happened in modern dance before to this degree, and I feel very fortunate."

Luck has nothing to do with it. His dances sell themselves through the universal appeal of their passion, joy and accessibility. From the lyrical beauty of *Airs* and the exhilarating simplicity of *Esplanade*, to the sinister repression of *Speaking in Tongues*, a Taylor dance is rarely obscure, always emotional and with a spontaneous appeal to both head and heart.

Whether he is exploring human relationships and social concerns or indulging his occasional desire to laugh at the world, abstraction is never his theme, even when pure dance is. "I don't believe there is such a thing as pure abstraction in dance as long as human beings are dancing. Naturally we relate to them as human beings so every movement seems to imply some kind of gesture or posture. And unless you're in a bag or something, it's very hard to be an abstract shape."

"I believe in the notion that



*"I believe in the notion that dance must be passionate. You can even be passionate about being serene."*

dance should be passionate. I don't mean emotive all over the stage but I think if a dancer isn't passionate then the audience is yipped. There are so many passions. You can even be passionate about being serene."

Despite his longevity as a dancer, Taylor's record continues to be impressive. His recent *Company B*, with its bittersweet images of war and patriotism set to the songs of the Andrews Sisters, has proved to be his biggest hit in a decade, bringing him critical as well as box-office acclaim in America this year. "I am getting better and better every day as a choreographer," he laughs — with only a trace of modesty. "But seriously, you never know. Sometimes you work very hard, you think it's just terrific, and no one seems to get it at all. Other times you just dash something off and that's the very one that people seem to go for."

His success has made him virtually unassailable and given him licence to flow free with his outspoken opinions, then sit back and enjoy the resulting ripples. For example, despite the suitability of his work for ballet companies, Taylor claims to "loathe" ballet. "It

seems very stupid to me. I was offered a chance to become a ballet dancer by Balanchine but I just couldn't do it." His contemporary, Merce Cunningham, is also dismissed: "His dances stink. They are really boring. If male ballet dancers look like fruits, Merce dancers look like sticks." And Fred Astaire? "He's a wimp."

Taylor's own dancers are, of course, solid and strong, although they temper their athletic prowess with lyricism and humour. "We are trained to have incredible stomach, back and torso muscles," he says. "We even jump from lying on our backs without using our hands or our feet and levitate from the back movement off the floor. That's something ballet dancers simply cannot do."

For Taylor, dancing means optimum living. "What we have on stage are super people. Their moments are often extreme, high-lighted, vivid and compressed, and that's what dance should be. Those moments of performing feel so very much alive and there's nothing in everyday life that compares. Dance is fun; people can relate to that. It makes them feel good."

Feeling good, though, has not come easily to the 61-year-old choreographer. As he charted in his 1987 autobiography, *Private Domain*, Taylor has suffered both emotional and physical distress. Born in Pennsylvania and raised in Washington, DC, he had a solitary childhood, the product of a fatherless home and an absent mother. "I had no family as such really. It was a lonely childhood but I didn't know that until I had to go through it all again to write the book. I was sort of an accident and I was inconvenient to have but it never seemed unhappy to me."

Still, the early feelings of vulnerability eventually became part of his work, first as a soloist with the Martha Graham Dance Company in the Fifties, later when he struck out on his own as a dancer and choreographer. "The issues I try to deal with are international and timeless but they are born out of my own experience: solitude, injustice, being an outsider. I try to stick to feelings and passions that I've felt."



Athleticism and ethereality: Paul Taylor Dance Company in his religious drama, *Speaking in Tongues*

His subsequent depression, physical illness and attempted suicide brought him even closer to the dark side which haunts much of his work. "At least three times I came close to death. I've been over the edge into what I think is dead and I have come back. Once or twice through illness and once or twice through crises. I don't believe anything is 100 per cent. There is always a different side to it, a light side and a dark side. My dances come out like that without much

effort on my part."

Today, having given up both performing and regular touring, Taylor appears to have found some kind of spiritual peace, along with a material comfort that means "I'm not starving to death anymore and I have a wonderful place to live. I am happier now."

From the picture windows in his rustic Long Island home he can look out over the trees leading down to his private beach. "My work is just second best," he

draws, pointing out to the water. "All art is just second best to nature. Look at the difference between a painting of a tree and a real tree. The painting is more practical, you can hang it on your wall and it can remind you of a tree. But nature is best and all artists do is steal. We look at a tree and think 'I'll make one of those'. But it's never as good."

The Paul Taylor Dance Company opens a two-week season at Sadler's Wells (071-278 8916) on December 3.

## BRIEFING

### Well off the wall

MUCH hot air continues to be vented over the murals decorating Glasgow's Royal Concert Hall. The original murals, by Ian McCulloch, were rejected last year by Glasgow city council's Labour leader, Pat Lally. They only remain *in situ* in the new hall because of an interdict (Scottish equivalent of an injunction) granted in favour of Strathclyde Region which originally commissioned them. Then, last month, the young Scottish artist Peter Howson renounced a £50,000 Scottish Amicable commission to paint replacement murals, after intense pressure from Scotland's art community. Now, to Lally's chagrin, McCulloch's original work has been shortlisted for the Sairde Society's Art in Architecture Award.

### All fired up

RARELY can so much talent have met in a fire station. A new Stephen Sondheim "compilation" musical, called *Putting it Together*, will begin life in January at Oxford's Old Fire Station, which was converted by the producer Cameron Mackintosh into a studio theatre for trying out new musicals last January. Julia McKenzie is to direct, Jasper Conran will design set and costumes, and Mackintosh himself will produce. Sondheim was, of course, the first Cameron Mackintosh professor of musical drama at Oxford University.

### Packed stalls

CINEMA attendances in Britain rose by 19 per cent to 25.9 million during the third quarter of the year, making the figure for the first nine months of the year the highest since 1980. Cinema attendances for all of 1991 are set to top 100 million. The figures are estimated by the Cinema Advertisers' Association and do not take into account attendances at cinemas that do not show advertising.

### Last chance...

AMERICAN painter Richard Diebenkorn has gained most of his fame for his long series of *Ocean Park* paintings. The last opportunity to see these pale abstractions, vividly evoking the geometrical roofs and smog-diffused light of southern California, is on Sunday at London's Whitechapel Gallery (071-377 0107).

## ARTS REVIEWS

Radio, Television, Theatre, Music  
Page 18

PAUL GRIFFITHS

## RECORDS: WAGNER OPERA

# Ring for the power players

THE ONE triumphant feature of the recent Royal Opera Ring was the conducting of Bernard Haitink, and it is good to find the same power in his recording of Siegfried, swinging an immense musical force at each moment of the score. Haitink finds Wagner's weight to be not symphonic but essentially dramatic: there is a lot of sudden and characterful playing here, often very like what was heard at Covent Garden in terms of pacing and gesture. If there is also great consistency, it is a consistency of intensity.

Among the cast, the chief blessing is of course the Siegfried of Siegfried Jerusalem, in golden voice, sounding immediate and youthful. As Brünnhilde in the closing duet, Eva Maron has to take a little more care of herself but this, too, is a big performance. There is also a very exciting Mime in Peter Haage, who does not enrust the part with vocal scabs but allows it a lyrical freshness and freedom, ensuring that the dwarf's intentions come through in the undercurrents. This is appropriate, given what happens in Act II's Siegfried-Mime scene; it also helpfully conveys a creature more foolish than evil.

Wagner: Siegfried. Soloists, Bavarian Radio SO/Haitink. EMI CDS 7 54290 2 (four CDs).  
Wagner: Götterdämmerung. Metropolitan Opera/Levine. DG 429 385-2 (four CDs).  
Wagner: Parsifal. Soloists, Berlin PO/Barenboim. Teldec/Warner 9031 74448-2 (four CDs).

James Morris as the Wanderer projects splendour and authority but, as usual, not much of the text. There are also a couple of surprising guest appearances: from Kiri Te Kanawa as the Woodbird, and from Theo Adam, graduating after all these years (which rather tell in the vibrato) from Wotan to Alberich.

The *Götterdämmerung* of this cycle will be keenly awaited: meanwhile Levine's can be recommended for its superb orchestral and choral sound, and for several stimulating solo performances, but sadly not for its central casting. Though the driving passion in Hildegarde Behrens's Brünnhilde is unmistakable, so too is the ravaging her voice has suffered, and Reiner Goldberg as Siegfried sounds to have been scared and aged by the fray too. Neither of them is particularly well accom-

modated by Levine's slow tempos, necessary as these are to the gorgeousness he unfolds.

The Norms have some similar trouble, though Andrea Gruber makes a striking and brilliant impression as the youngest of the ancients. Excellent too, with a sombre determination and musical fullness in everything he does, is Matti Salminen as Hagen, contrasting with the bleaker tone of Ekkehard Wlaschiha, justifiably everyone's first choice currently as Alberich. Cheryl Studer, who seems to be everyone's first choice for almost everything at the moment, is a very bright, winning Gutrune.

The Parsifal under Barenboim again has Siegfried Jerusalem, sounding perhaps even more wonderful than as Siegfried for Haitink. The rest of the cast is pretty special too: Waltraud Meier repeating her astonishing Kundry, José van Dam as an Amfortas whose suffering is engraved in his voice, Götz von Kamm as Klingsor, and John Tomlinson, no less, sonorous as Titurel.

Mathias Hölle could make more of the words as Gurnemanz, or perhaps it is just that he sounds a bit young and underweight for

the part. But what most keeps this performance stuck at base is a lack of range, even a lack of credibility, in Barenboim's handling of the orchestra.

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# Where have the flowers gone?

Floral prints made Laura Ashley famous. Now a new collection introduces a note of urban chic. Brenda Polan reports



Short and sharp: left: high-waisted flannel jacket. Right: cardigan, bobble-collar tunic and cycling shorts

In 1968 when the first Laura Ashley shop opened in South Kensington, its managers would often have to look customers out on the pavement. There they would queue restlessly until the crowd of women inside had dispersed a little.

Then, one by one, they would plunge into the rail-riffing throng and, too impatient to wait for an empty changing room, they would strip off in the middle of the shop and start trying on the ruffled and ruffled, voluminous flower-print granny dresses which were the hottest thing in fashion. Since many of them were already wearing a Laura Ashley frock when they arrived and since they often forgot, in the thrill of the scrimmage, where they had shed it, customers were always trying to buy each other's clothes. The desperate cry, "Who's stolen my frock?" was commonplace.

Few new fashion companies have enjoyed that kind of success. Few new fashion companies have judged their product and their moment so perfectly. In the 1960s, swingers embraced archaic and ethnic dress as part of their peace and love, drop-out, roll-up and tune-in philosophy.

The late Laura Ashley saw it in more artlessly domestic terms. "I sensed," she said later, "that most people wanted to raise families, have gardens and live life as nicely as they can. You could equate the company with a first-class nursery in a fin de siècle nursery. Innocence, discipline, high standards and, above all, a kind of scrubbed, simple beauty."

Whatever captured it, Laura Ashley's moment was a long time passing. But, as rural fashion was concerned, pass it did.

However, for a surprisingly large number of women, predominantly the kind you meet in Oxford senior common rooms and at country house parties, the moment has not passed yet. So whenever the company talks about updating its image or its product, a frisson of alarm runs through the fashion world. Can the company seduce the young and fashionable through its doors without alienating its timid, floral-frock devoted core customers?

"Timid!" exclaims Jane McCormack, the company's design controller. "It's not timid to dress yourself from head to toe in a Laura Ashley floral print, especially when it is not supposed to

be in fashion. It is actually making a bold statement about yourself."

"These are customers who have found their style and intend to stick with it, whatever fashion magazines might tell them. The three key words which we bear in mind when developing collections are feminine, colourful and rural. I think rural associations are an important factor not just in the taste of the British, but in a worldwide preference for what is thought of as British style."

There is nothing rural or particularly colourful about the new experimental collection which Laura Ashley has just introduced. It is, however, feminine.

New Classics is a capsule collection consisting of grey or dove brown separates in wool jersey, an A-line mini dress (£29.95), cycling shorts (£32.95), long cardigan (£49.95) and tunic top (£44.95), lean and body-skimming rather than body-hugging; neat ribbed wool bodices (£44.95); a grey flannel short skirt (£75) with a long, high-waisted matching jacket (£105); ski pants (£24.95) and a red boucle tweed suit with a short fitted jacket (£120) and a short skirt (£49.95).

Nick Ashley is technically the



Bodyline: a grey, black and cream wool tartan throw, over a ribbed body, with the grey flannel kilt from Laura Ashley's new capsule collection

design director of the company founded by his parents but prefers to think of himself as "conceptor", a kind of design theorist. Ms McCormack, he says, more nearly fulfils the role of design director. It was Mr Ashley who addressed the problem of moving the company forward to attract a young customer, while taking care not to frighten the core customer who, he says, "wants floral frocks".

Laura Ashley, he is certain, cannot abandon its own tradition. "My theory (and there are many others) is that people outside Britain associate us with a way of

life which is cosy and warm, with a funny old hierarchical system, a unique system of class which produced stability," he says.

"Nor are the British very urban in their taste. So what we have to do is update that classic look with wit and humour. For the jersey pieces, for instance, I thought about updating the twinset and pearls. The pearls are wool bobbles sewn around the neckline; the twinset is lean and long and looks wonderful over cycling shorts, leggings or ski pants."

The collection, he says, is selling quite well so far. The Ashley

challenge will be to get the younger, more urban-style dresser over the threshold. In the Regent Street shop last week there were many middle-aged and even elderly women looking for replacements for the familiar Laura Ashley clothes they were wearing, and many fresh-faced teenagers from boarding schools trying on velvet and taffeta party dresses. The be-legend sharp dressers were up the road in Top Shop, Miss Selfridge and Oasis.

If they can be tempted through Ashley's doors, the sharp dressers will like the capsule collection. At

the price, it is excellent quality merchandise. But then, Laura Ashley herself put great importance on value for money and her down-to-earth horror of "excessive profit" often resulted in dangerously slender margins.

Her son is sincere when he says: "It's her name on the company, not mine. She knew her customers relied on the Laura Ashley name to mean good, natural fabrics, English styling and a good, honest price." When you have a heritage like that, it is not sentiment but good sense which compels you to stick with it if you can.

Since yesterday *The Times* has had a new typeface, Times Millennium. But do the experts think it is a success?

## Words that are music to the eyes

Yesterday *The Times* changed to a new typeface. Readers who missed the articles proclaiming the change may not even have noticed. Type, and the differences between typefaces, are one of the most esoteric areas of design.

Discussing type with a typographer is a little like discussing wine with a wine buff. Typographers talk about the "mood" of a typeface. They will say that one typeface has a more "robust colour" than another, even though both are composed of the usual black marks on white paper. And they will unhesitatingly pass judgment. "Times Roman was

earned the stature in the typographic spectrum," wrote Allan Haley in a recent book, *ABC's of Type*. "It is versatile, it is legible, and it is an excellent communicator. And, even more... Times Roman is also beautiful."

As Times readers will be aware, Times Roman was designed especially for *The Times* by Stanley Morison, going on to become one of the world's most popular typefaces. Introduced in 1932, it was finally supplanted yesterday by Times Millennium — the typeface you are now reading. But from 1972 to 1981 *The Times* used a typeface called Times Europa.

The man responsible for the design of Times Europa in 1972 was Walter Tracy, a typographer who was for nearly 30 years in charge of development at Linotype. Times Europa was designed to solve problems caused by the hot metal printing process. Less than ten years later, hot metal had been replaced by photo typesetting, and the problems no longer existed. By 1981 the paper reverted to Times Roman.

What does Mr Tracy think of Times Millennium? "I'm disappointed," he says. "I



Edwin Taylor: Embarrassed



Simon Esterson: Impressed

had hoped to see something new and distinct, not just a remodeling." Mr Tracy feels, for instance, that the shortened ascenders and descenders the vertical strokes on the letters "d" or "p", reduce the white space between the lines, making the text more difficult to read.

Other designers are more enthusiastic. Simon Esterson of Esterson Lackersteen is an editorial designer who worked with David Driver. *The Times* head of design, on the design of *The Times's* award-winning Sunday Review. "For *The Times's* purposes, the new typeface is a huge improvement," Mr Esterson says. "Although Times Roman was a great English language typeface, the bold was never successful. The new face gives it a greatly expanded use."

Mr Esterson believes that Times Millennium will quickly become one of the four or five great working typefaces of the late 20th century. "The new typeface extends the range of Roman, and will be good enough for computer laser printers."

Not everyone sees Millennium's potential ubiquity as an advantage. Paul Luna is a typographer at Oxford University Press, and the designer

of the Oxford English Dictionary. "It is a pity that Times Roman became a 'default' typeface," he says. "It is on every laser printer — and that is a disadvantage. The Times has got to get back to its own typeface."

As for Millennium, Mr Luna believes that it is the typeface that is needed to type *The Times* now. Whether it will go on to be a classic remains to be seen.

Several designers criticise the spacing of the letters, and the lack of clear distinction in "colour" (the weight of the type) in headlines. Edwin

Taylor, who was design editor of *The Sunday Times* for 15 years, points to the headline of the Editor's article yesterday, announcing the change: "New types, new faces." "It's almost embarrassing that the headline should lead that story," he says. "There is far too much space between each letter." Mr Driver says the spacing of headline characters will improve with adjustment over the next few weeks.

Almost everyone agrees that the typeface at normal text size is a success. "In musical terms, it strikes a nice

continuing note across a line," Mr Taylor says. Shelley Winter, who worked on designing *The Daily Telegraph's* heading typeface, says: "The letters appear much cleaner; they appear to be etched into the page."

Times Millennium has been introduced partly in response to the new demands of computerised digital typesetting. Is there a danger that digital typesetting will also be obsolete in ten years' time? "No," says Mr Driver. "We devised this typeface for the computer. It's not possible it could become obsolete."

In his classic, five-volume *Editing and Design*, published between 1972 and 1977 Harold Evans, a former editor of *The Times* and *The Sunday Times*, said: "The millennium has not yet arrived. Newspaper design will continue to evolve."

Well, the Millennium has arrived. Other designers may have their doubts, but Mr Driver and his team believe that it will be some time before *The Times* typeface needs to evolve again.

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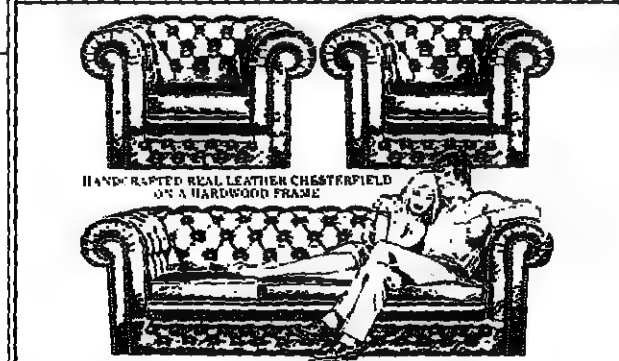
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# Simply wrong about Europe

Mrs Thatcher is not thinking straight says former adviser Michael Butler

Mrs Thatcher sent me to Brussels in 1979. I worked, perhaps slaved would be a better word, for her for six years. Thanks to her courage and persistence, we finally won the great budget battle at Fontainebleau in 1984, after a five year campaign. I supported and admired her, even if the way her mind worked sometimes seemed bizarre. Since I left the government's service in October 1985, in the middle of the negotiations on the Single European Act, I have seldom criticised her in public. But now I must add my voice to the chorus of criticism.

From the beginning, in all the innumerable meetings and discussions with her ministers and officials, she showed a deep-seated prejudice against the European Community. Many of her friends in the Conservative party were the anti-marketisers of the early 1970s. Mr Heath's position on the back benches — which sometimes seemed to be "back the Community: right or wrong" — pushed her

perhaps consistently take a moderate and constructive attitude to European issues. It was not to be. After winning her third election in 1987, her prejudices seemed to gain ground. Discussions with her ministers and officials became less and less frequent. In 1988, she made the famous Bruges speech, which was perhaps the most misleading political manifesto of the decade. She said there was a choice: on the one hand, cooperation between wholly independent sovereign nations, on the other a quasi-socialist federation.

It was a false bill of sale. Neither of these options was on the table. The Treaty of Rome and the Single European Act and all the EC legislation of the last 30 years had taken us far beyond the first. The single-market programme and the competition rules of the EC were ensuring that socialism could never prevail, even if silly ideas about a social charter could still, rightly, raise Conservative hackles. And as for a federation, does anyone on the continent really want it? Or do they just want to talk about it?



Sir Michael Butler, former adviser to Mrs Thatcher, against prejudice

Reason had one or two more flickering moments of victory over prejudice, when at the Madrid European Council in June 1989 she committed herself conditionally to joining the exchange-rate mechanism, and agreed that heads of government were determined to achieve the progressive realisation of monetary union; and again in June

1990, when she approved the "hard ecu" plan. But even then she did not use the formula she had herself approved — that the ecu could one day become a single currency if the peoples and governments so wished — until she reported to Parliament more than four months later, on her return from the disastrous Rome summit.

It seemed to me that she had at last taken her wishes for reality, and had come to the erroneous conclusion that a ferocious anti-market stance would be good politics at home. Now that she is out of office, partly because of the European issue, she has gone too far. She does not even seem to respect Mr Major's responsible effort to act as she once did, to get a settlement at Maastricht in accordance with British interests.

If Mrs Thatcher were to let her reason reign again for a moment, she would see that there will be very little substance at Maastricht, indeed much less than in the Single European Act. Even the EMU treaty will cause nothing much to happen during the next British parliament. I do not believe for a moment that our partners will want to hand over the monetary policy of the EC to an untried European system of central banks in 1997. But if they do and Mrs Thatcher is still active in the Lords in the next parliament but one, that will be the time for her to agitate for a referendum.

Sir Michael Butler was Britain's ambassador to the EC, 1979-85.

Janet Daley argues that prejudice and misogyny doom feminism to failure

## Women's lost cause

these Cassandras want to find dire examples of feminist thought-control and conspiracy against men, they resort to American anecdotes. The United States, notoriously, has gone completely mad about political correctness. But Americans are naturally inclined to intellectual authoritarianism, and when dogma combines with sanctimoniousness, the voice of reason does not stand a chance. Britain, not much given to either hysterical mood swings or abstract social theory, just sniggers voyeuristically.

Well, you might argue, there has been some progress: at least we have begun to take domestic violence seriously. But among the disillusioned, there are even those who protest at making marital rape a crime. To do so, they claim, traduces the act of married love. Even allowing for smug suburban certainties, the naïveté here is staggering. In the murky corners where women are threatened and sex is a form of brutality, love of any kind scarcely comes into it.

Even in the area which seemed most amenable to lawmaking, the workplace, life goes on remarkably unchanged. True, we passed a Sex Discrimination Act which had universal, self-congratulatory support. And yet we have still not succeeded in guaranteeing women equal pay for equal work. For all the bluster from women and the carping from men, there are only minuscule numbers of women at the higher levels of management and the professions. (Thankfully, really contentious measures, such as positive discrimination, have not caught on here, but to listen to the lads shrieking, you would think they had been adopted across the board.) Seventeen years after legislation for equality on promotion prospects, women are still drawing the short straw. Only now, the men have a defensive smirk about starchy feminists as they run roughshod over their female colleagues.

The reason for this is simple: women are interested in other people; men are interested in

bossing other people around. Women want job satisfaction, good working relationships, respect from their superiors. Men want power, and will sacrifice all of the above to achieve it. After 25 years of female activism, women at work are still belittled, dismissed, overruled, interrupted, marginalised, ganged-up on, and excluded. Their virtues — human understanding, frankness and generosity — are used against them by men, who have the enormous advantage of being unable to imagine what it is like to be someone else.

That this will probably always be so is something we must come to terms with. If women were not predisposed to understand the needs of others, a lot of small, helpless people would die. We are programmed (by biology or conditioning — who cares which?) to respond to social signals and pressures, and so find it almost impossible to be as single-mindedly ruthless as men.

When I wrote an article a couple

of years ago on the way men abuse women's trust and loyalty at work, I was accused for months afterwards by women who said that they had secretly placed it in all the office in-trays. Other women furiously pinned it on noticeboards after the men had gone home. Gratifying for me to be the *samizdat* author of the female work-force, but this mutinous skulking force, but this suggests a picture around hardly suggests a picture of vanquishing womanhood.

Everybody wants a girl as an assistant: nobody wants a woman as a boss. Behave like a man at work — hold your ground, bull-work your opponent, talk through those your opponent, and you will be interruptions — and you will be marked as a Batemanesque terror: The Woman Who Doesn't Give Way at Meetings. Ridicule is a peculiarly mortifying weapon. Especially Man may be the *bête noir* of the literary classes, but it is Essex Girl who is the butt of jokes. Edward Heath spent years bitchily hectoring his successor, but it is Margaret Thatcher who is portrayed as the nagging mother-in-law "backseat driver". A man may be forceful, a woman is merely shrill. After a generation of misogyny, she we have seen to have done is license another wave of bilious misogyny.

## Bye bye, American Pie

Peter Stothard, in Maryland, sees the American dream turn sour

Somewhere George Bush is not getting through to Maryland mother-of-three, Mary Nutwell. We are sitting in the library at Greenbelt, one of three model middle-class communities built by President Franklin Roosevelt during the New Deal. Outside the window, across the village green, is her 1930s row-house, a war memorial, a line of shops and a large pond: all parts of the Welwyn Garden City like which FDR wanted the outskirts of Washington to share.

Among the now leafless trees stand art-deco figures of office-worker heroes summing up the optimism of the time. The Indiana limestone is more flakey now: the grand carved typewriters are still faintly absurd. But the promise from the constitution "to promote the general welfare", made in deep-cut letters on the school wall, is still important to Mrs Nutwell. And she does not think that the general welfare is being promoted by President Bush at all.

In the language of political economists, Mary Nutwell is one of the American middle class, whose median family income rose sharply in the 1940s and '50s, but is now stuck pretty much where it was in 1973. During that time she and millions of Americans like her have experienced times of great economic hope. This is not one of them.

Mrs Nutwell, whose long fringed hair falls raggedly over a blue cotton shirt and shorts, is 35 years old. She is neither Democrat nor Republican. Unlike many white voters, she does not blame blacks for the economic blight. She does not demand Rooseveltian public works. She is simply frightened about her family's future.

Last week, while ironing, she heard George Bush talk about the economy on the radio. "I think that I've got to do better in making clear what the message is," he said in a much-reported speech, "and I

think I can do better. But I think there's so much noise out there that I've got to figure out how to make it clearer that we are for the things that I have advocated that would help."

Inside Washington these remarks produced the usual sniggers at the president's foot-in-mouth language. For Mrs Nutwell, the result was genuine confusion. "What did the president mean?" she asks. "It's very scary for me. Is he saying that things are getting better or worse? Is he saying that he can do, or that there is nothing he can do? I don't know. I don't think that he knows."

The Nutwells are by no means the most unlucky of their countrymen. As a time of rising unemployment, Gordon Nutwell still has an \$11-an-hour job as a bus-driver. Mary is no longer a teacher of deaf children, but three years ago, in the last days of the Reagan era, the couple managed to buy a share in the Greenbelt housing cooperative.

In 1988 she believed that the American Dream would draw them gently up into the middle of the middle class. Now they see a different prospect, and an increasingly different town. In 1936, Washingtonians were asked to choose "Greenbelt rather than the gutter" for their children. Recently, Greenbelt's own gutters have begun to show signs of the drunk, the drugged and the homeless.

There will be an unwelcome "twelve days of Christmas" here this year. Many council workers will be taking an enforced fortnight's unpaid holiday because tax revenues have suddenly fallen. The Nutwells' family budget has been frozen for two years. Mary fears that further cutbacks will reduce her husband's wages, and



Norman Rockwell's safe middle America is under pressure

that like so many of her neighbours she may lose her job altogether. She fears not being able to pay the mortgage, and having to start all over again.

Out in the Greenbelt Cafe, 26-year-old mother Lesley Fleishman is not so fearful. She and her husband have not tried to buy their house. They have no hire

purchase payments to make. "We are lower lower-middle class," she says, "and happy to stay that way." Is she sorry for people trying to move up in the world and end up struggling out of their depth? "No. It serves them right." Does she vote Democrat or Republican? She will never vote at all.

Pensioner Louise Kramer is also unsympathetic to those whose American dream may end with a rude awakening this winter. "Young couples want too much too fast," she says. "People around here, like the government in

Washington, have got too used to throw-away money. This recession will do everyone good," she says.

If President Roosevelt's spirit were to return, he would find more solace in another part of the library where Christopher Murray, a political science graduate, is teaching a child to read. It is voluntary work of a kind much prized by the early cooperative, the ideals of which once led to attacks on Greenbelt as the country's "first communist town".

After applying for two hundred jobs in the past year, Mr Murray now earns \$9 an hour as a part-time psychiatric nurse's assistant. He rents an apartment on the green, and his debts — for his car, past education and an engagement ring — add up to \$30,000. He is unworried. "If it is good enough for the government to be so deep in debt, it is alright for me," he says. "Things will get better."

FDR's ghost would recognise many of the key American character types of this and any age: the apolitical Mrs Fleishman, the puritanical Mrs Kramer, and the carefree optimist, Mr Murray. As a politician, however, his chief target would probably be Mrs Nutwell, the independent citizen who wants to understand what is affecting her life but feels shut in the dark.

Today President Bush is in no position to reassure anyone. Battered by this month's protest votes from Pennsylvania and Louisiana, he does not have a message. He has begun his tour of the \$1,000-a-plate Republican fundraising circuit, but he has not turned in to what \$10-an-hour America is saying.

Maryland is not a crucial political state. The closest that most major figures are likely to get to Greenbelt is a 400ft-high approach to nearby Andrews' airforce base. But its presidential primary, though small, is early in the year. Mary Nutwell will be there. "I was not interested in politics when Bush won last time," she says, "but now I surely am."



...and moreover  
**CRAIG BROWN**

Yesterday morning, I bicycled to the village for some shopping. On my way, I happened to see a cat run over by a speeding car. The cat had been strolling on the village green. The speeding car had made a swift detour in order to run it over before whizzing on. "Disgraceful," said a bystander, staring down at the cat's corpse.

"Disgraceful," agreed another onlooker. "It's terrible the way they pusses think they have a perfect right to strut around. My sympathies are with the poor driver. To my mind this was his only possible reaction to the heartless goading he was receiving from that awful cat."

All shook their heads in solemn agreement. "It's the driver I feel sorry for," they mumbled. I did cross my mind that their reaction was rather out of character, but as I pedalled on I thought no more about it.

As I was passing the village school I happened to overhear the headmistress reading the children a fairy tale. It was about the Three Little Pigs, a story I knew from my own childhood, but it seemed in some way different from how I remembered it. "And when the Big Bad Wolf said, very reasonably, 'I'll huff and I'll puff and I'll blow your house down,' and the Three Little Pigs, knowing full well what his reaction would be and seeking to cause the utmost offence to the Big Bad Wolf and his deeply-held beliefs, pigheadedly refused to open the door..."

What on earth, I wondered, had happened to the villagers? Seeing the village postman, a sensible sort of fellow, I asked him for an explanation. "Oho," he replied. "They'll have been influenced by the speech. They're all churchgoers, you understand, and they welcome spiritual guidance, particularly from a figure so august."

"Which figure?" I asked. "Why, the new Archbishop of Canterbury," replied the postman, cheerily. "He made a speech last Friday. Didn't you hear it? He defended what he called the passionate reaction of devout Muslims to Salman Rushdie's wilful use of free speech. He said that their passionate reaction had been misunderstood and that Christians should all try to understand and to enter into their distress at this outrageous slur."

"But wasn't their 'passionate reaction' to call for Rushdie's murder?" I asked.

"That's it," said the postman, with a merry wink. "And so obviously the villagers have had to reassess their moral outlook on a great many issues over the weekend. My goodness! What's going on over there?"

Over in the village shop, shots were being fired. Two masked bandits rushed out with a sack marked "Swag", jumped into a getaway car and drove off.

"It's the masked bandits I feel sorry for," said the postman, shaking his head. "And I hope we will all try to understand their passionate reaction to what can only be described as a

truly wounding amount of money kept by the owners of the village shop."

Within a few minutes, other people had joined the postman in a wholesale condemnation of the shopkeepers.

"Those masked bandits" began the lollypop lady, visibly shaken by the trouble the bandits had been put to, "were prepared to die for their belief that the swag should be theirs. Frankly, it's high time we all did our best to enter into their distress. Dr Carey has taught us that much."

Over on the other side of the village green, an old lady was being mugged by a youth. "She deserves whatever's coming to her," commented the village baker, "carrying that purse around all the time, refusing all reasonable requests to hand it over to the mugging minority. What's the world coming to, when we find ourselves, in the words of the Archbishop, 'so steeped in moral indifference' that we can't defend those who have a passionate conviction in mugging?"

"Hear hear!" said the green-grocer. "That old lady's stubborn refusal to be intimidated can only be damaging to the reputation of the deeply-held faith of the entire mugging community."

"One thing's for sure," declared the butcher. "Dr Carey's brought new vigour to the teachings of the Church." In a back garden, a fox was at work killing a chicken. "Damn chicken," nodded the villagers.

## Truant minister

KENNETH CLARKE reacted angrily to Jack Straw's suggestion on the radio yesterday that he had visited only three primary schools since becoming education secretary. Clarke retorted that he has visited hundreds of schools over the years. He may have done. But not in the 12 months he has been education secretary. His own department confirmed yesterday that of the 36 visits to primary schools conducted by the three education ministers in the last 12 months, only three were by Clarke. The first was a few days after he took up office. The most recent was in June.

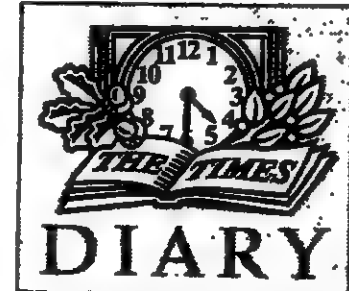
Jack Straw was taking no chances of being hoist by his own petard when he attacked Clarke for not visiting enough schools. His office has "lost count" of the number of primary schools the shadow education secretary has visited.

"We cannot give a precise number," says Straw's office. "He visits at least one school a week. Throughout that year that includes dozens of primary schools."

Manfred Taylor, the Liberal Democrats education spokesman, has a similar record, having visited about 40 primary schools in the last year. In fact, Taylor can give a rough figure for two years. "It's about 100. As well as visiting schools around the country, I have also visited every school in the constituency, which is a lot better than Kenneth Clarke. As there are 60 primary schools and five secondary schools."

## Woolly for Boris

EVEN though it was a bad line, Martin Barnett, the owner of a London clothes store, could have



sworn the caller on the other end of the telephone said his name was Boris Yeltsin. He was right.

Yeltsin was telephoning Charlotte Embroidery to place an order for a £50 Jaeger lambswool jumper, with a logo of one of his heroes, Sherlock Holmes, emblazoned on the front.

Yeltsin, it emerged, has a passion for Victorianism. Yeltsin met a Nigerian chief who was wearing one of the jumpers at a trade delegation in Moscow. The Russian leader called the shop in Edgware Road, which produces goods for the Sherlock Holmes Society.

The call was followed up by a fax giving Yeltsin's size — extra large — and President Gorbachev's, with the suggestion that the jumpers be sent to Moscow in the diplomatic pouch.

● **Darlington health authority**, currently conducting Britain's most extensive survey into occupational stress, has been hit by a mystery virus afflicting the project director, Professor Cary Cooper, Britain's leading expert in the field. The stomach complaint, irritable bowel syndrome — frequently associated with stress disorders — has forced the cancellation of a press conference to report on the survey. Colleagues deny that the professor found it all too much.

## Jaw jaw, more more

EVEN if there is agreement at next month's Maastricht summit, it will be dwarfed by the significance of another event from the Dutch town's past. In 1770, Maastricht's chalk quarries yielded the remains of the world's first pre-Adamite monster.

The four-foot jaws, with dagger-like teeth, came from a colossal beast that haunted the world before the appearance of man.

Adrian Desmond's book *The Hot-Blooded Dinosaurs* says: "It helped effect a revolution in man's



thinking about the primeval life of his planet: it would make the idea of extinction credible." At the time experts thought it was a monstrous marine lizard. Others thought that the jaws belonged to a prehistoric crocodile. When Europe's leaders descend on Maastricht for the negotiations, will they be able to tell the difference?

## Musical premiere

NORMA MAJOR will share her well-known love of music when she makes her broadcasting debut on Christmas Day. Mrs Major has chosen her 12 favourite pieces of music from the world of opera,

theatre, film and pop.

Although she is keeping the full list secret, one piece she has included is Luciano Pavarotti's *Mamma*, because it reminds her and the prime minister of the tenor's summer concert in Hyde Park in pouring rain. Naturally, she has chosen a record by Joan Sutherland, whose biography she wrote. Which record? "Mira, o Norma."

## Favourite commercial

CINEMA audiences will never be the same again, after Saatchi & Saatchi unveils its secret new advert for British Airways. The commercial, which is reportedly costing a six-figure sum, will focus on a dew-eyed couple walking arm in arm through the streets of Paris.

But the romantic idyll will be shattered, when an actress springs to her feet, points an accusing finger at the screen, and shrieks: "That's my boyfriend."

Even before the audience can regain its composure, the screen actress will calmly turn to face her accuser, and reply: "What do you mean? He's mine."

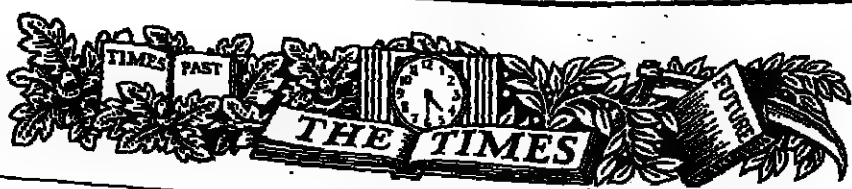
In a pastiche of the Woody Allen film *The Purple Rose of Cairo*, in which a cinema fan becomes part of the film, the screen boyfriend steps into the tray to try to placate both women. He fails.

The advertisement, which was one of Saatchi's most closely guarded secrets, will be screened in December in London before a nationwide tour.

The three-dimensional commercial is reportedly the first of its kind in Britain. Such is the secrecy surrounding the venture, that only a handful of executives at British Airways and Saatchi know about the ad.

When you next go to the cinema beware. You never know who might be sitting next to you.





## SINS OF CONFESSION

Winston Silcott shares with the Birmingham Six, Guildford Four and Maguire Seven the distinction of being the subject of some of the most notable murder investigations of the century. And yet yesterday Silcott's conviction, like the others before him, was quashed by the Court of Appeal. When it is most necessary for the criminal justice system to bring the guilty swiftly and fairly to justice, it seems least capable of doing so.

What these cases had in common was over-reliance on the good faith of key prosecution witnesses, first by prosecution lawyers, then by trial judges, then by juries and often later by the appeal court. They all assumed, disastrously, that policemen and other professional witnesses are incapable of making mistakes or telling lies.

Human nature being what it is, the greater the perceived significance of a case, the more pressure the police (or in some cases forensic scientists) will feel to secure quick arrests and gain sure convictions. It is only to be expected that even senior policemen with exemplary careers will sometimes be tempted to lower their ethical standards. With faith in the infallibility of their own hunches, a little doctoring of evidence followed by a little "innocent" perjury is justified to their consciences as "serving the wider interests of justice".

To their credit, police commanders now admit that their officers reflect the moral standards of the population. They no longer talk of needing to weed out a few "rotten apples" as if that would restore the constabulary to the ranks of uncorrupted saints. But the legal profession and the judiciary, when they don their wigs and address the jury, greet such realism as if it threatened to bring down the whole edifice of justice.

In the light of this string of recent miscarriages of justice, they must surely now realise that their complacent attitude has created a bias in favour of the prosecution's case throughout the criminal justice system. This in turn has actively encouraged policemen to take advantage of it, by short cuts and cheating.

Clearly the system should be changed to

provide the opposite incentive, towards honesty. Silcott was found guilty of the murder of PC Keith Blacklock, who was savagely killed in the course of the Broadwater Farm riot in 1985. The evidence against him consisted entirely of statements he was alleged to have made to the police. As the law stands, the police needed only to tell the court that Silcott had uttered words indicating guilt. They were not required to corroborate anything in his alleged statement, nor to prove that he had made it.

In Scotland, in spite of the alleged partial confession, the lack of corroboration would have ensured Silcott's acquittal. The royal commission on criminal justice is now considering whether and how far to go in the (admittedly imperfect) Scottish direction. Should the need for corroboration apply only to confessions, or to all the elements in a criminal prosecution? Lord Fraser, the Scottish Lord Advocate, has pointed out that many convincing cases of rape have to be dropped because the Scottish requirement for strict corroboration (in this case of an allegation by a victim rather than of a statement by a defendant) cannot be met.

There are no panaceas. What the royal commission must look for is an adjustment to the law to make policemen feel the onus is on them to prove that they are telling the truth. It could insist on independent corroboration of facts in a confession statement (as the Bar Council favours). Or it could call for the compulsory presence during questioning of an independent solicitor (as the Law Society advocates). The royal commission might judge that it would be sufficient to rely, as under the Police and Criminal Evidence Act, on a sealed tape recording made under controlled conditions (as supported in evidence to the commission by the Crown Prosecution Service).

Above all, members of the commission must assume that as long as it is in the interests of the police to cheat, some of them will. Until the procedures of the law acknowledge that, miscarriages of justice will recur and damage will continue to the impartiality of the law in Britain.

## THE OTHER BRUSSELS

Few people outside Belgium paid much attention to the general election campaign which ended with the vote on Sunday. Belgian politics are essentially unchanging: parochial, mired in linguistic quarrels and paralysed by eternal compromise. But the election results are depressing, replete with warnings for Belgium and for enthusiasts of a federal Europe. Belgians often say that their federalism should be the model for the European Community. Heaven help the Community if it goes in this direction.

The elections produced a vote of no confidence in Belgium's new confederal framework, which was intended to reduce bickering between the Flemish and Walloon communities. But national discontent had a further, xenophobic aspect. The overt racism of the smaller parties, unimaginable — and indeed illegal — in other Community member states, paid off, strengthening extremists at the expense of the mainstream parties. With Europe engrossed in the pre-Maastricht haggling in the Berlaymont, few foreigners paid much attention to the ugly posters and slogans in the narrow streets around the Commission building. "Our people first," ominously declared the Vlaams Blok, the right-wing Flemish party that wants to send most immigrants from the Third World home. Even established politicians played on public anger over welfare abuses by immigrants.

Now, belatedly, politicians are apologising for their deplorable campaign. But the damage has been done. Voters, like those in Austria recently, were angered by eternal political fudges and turned to the radical right for simplistic solutions. The extremists have acquired spurious respectability. Government plans to spend more on training for unemployed immigrants, rushed through after rioting in May, have been set back.

More immediately damaging to Wilfried Martens, the hapless prime minister who is likely to cobble together his tenth fissiparous

coalition, is the growing acrimony between the main parties in the two linguistic groups. His earlier coalition foundered because of arguments over the distribution of economic power between Wallonia and Flanders. He now has to rebuild confidence, among politicians, voters and the jittery financial markets, that Belgium's new decentralised confederal structures can be made to work.

This will not be easy. Belgium has now taken devolution so far that the country has almost ceased to exist as a political entity. Absurdities abound. Even official trade promotion services are now split into three, with separate bureaucracies for Flanders, Wallonia and Brussels. The central government speaks for less and less, making international agreements harder and harder to negotiate. No wonder Belgians are desperate for an ever tighter European union. No wonder they will support almost any federalist plan that promises a semblance of authority to balance the repetitious bickerings of national politics.

The voters' evident lack of confidence in what remains of Belgium's central government may reflect the end of a long period of growth and prosperity under the uncharismatic leadership of Mr Martens. He needed the clear mandate he notably failed to receive on Sunday. For Belgium may be almost beyond salvation as a unitary state. If so, the job of central government must be to provide, with as much tact as possible, over the quiet dismantling of an entity flawed since its founding in 1830.

It will probably take Mr Martens months to construct a new coalition. Meanwhile, as a caretaker prime minister, he will be among the most outspoken advocates at Maastricht of an ever closer union in Europe. He should look first at the disastrous results in his own country of yoking too closely peoples who clearly want to run their own affairs, with ever less interference from the (Belgian) Brussels bureaucracy.

## REVOLTING STUDENTS

No analogy exists between the student demonstrations of the Sixties and those that took place yesterday. Then, students claimed a global perspective: they wanted Ho Chi Minh in and Wilson out, out, out. Today's demonstrating students merely oppose rent increases.

The shadow of the Sixties hangs over the present demonstrators, none the less. The sins of the fathers are visited on those who are now, literally, their sons and daughters. The government assumes that the politics of the Sixties still work. The word "student" still trails in its wake images of the long-haired layabout fuelled by illegal substances, enjoying a lifestyle that the rest of the population can only envy. The government believes that nobody gives a fig for their fate, and decides the priority for their demands accordingly.

As a political movement, today's student body counts for nothing. As a trade union, however, it has a strong case. In 1969, the student grant amounted to £360 a year. Students frequently ran a small car and a bar bill. Today's students must make do with a maximum grant of £2,265 (outside London). That is a reduction of some 20 per cent in real terms, and Macawber's law of the unhappy relationship between income and expenditure applies with a vengeance. On top of that, accommodation is scarcer, state benefits have been withdrawn and the recession means no vacation jobs. Even without Ho Chi Minh and Harold Wilson, today's students have little to ho-ho about. The government could adopt one of two

broad solutions to these problems. It could decide to go back to the 1960s. The cabinet might reckon that the national interest required the highest possible standards of education for the most talented of the population. Higher education would then be treated like primary and secondary education, as the financial responsibility of the state. Grants would then be increased by enough to pay for rents, food and even a reasonably convivial life.

Or, since people on average earn more if they have been through higher education, the decision to study could be regarded as a personal investment. The private sector could lend the money to finance it. If it was too short sighted to do so, the state would step in. Maintenance and the payment of tuition fees would be regarded as a loan, to be repaid by a surcharge on the national insurance that students would pay later.

Between these entirely logical alternatives, the government has struck an uneasy compromise. Fees are paid, usually. Grants are awarded, but often sent late due to local authority inefficiency, subject to a parental means test and at a level that fails to keep pace with inflation. Loans to top them up are available through the state-backed Student Loans Company. But the amount is limited, the mechanism clumsy and take-up is half what the government originally predicted. The result of this failed policy is widespread student poverty. Being a student is no longer a joke, and yesterday's student demonstration, for once, deserved adult attention.

## Britain's future in Europe and Thatcher call for single currency referendum

From Professor Lord Beloff, FBA

Sir, Although I share to the full your worries (leading article, November 23) about current developments in our relations with the European Community, I cannot see how the device of a referendum (reports, November 22, etc.) could be of assistance.

The question is not one of "the sovereignty of Parliament" but of the general logic of our constitutional arrangements. In this country responsibility for the framing of policy and its execution rests with the cabinet, subject always to its ability to command a majority in the House of Commons. Let us suppose that Mr Major and his colleagues feel obliged to recommend, now or in the future, some new treaty provisions in Europe, and suppose they are put to the country in a referendum, and suppose the country rejects them. What happens then?

If the cabinet sincerely believes that what it has negotiated is the best possible solution to the problem, how can it stay in office unable to give effect to it?

Mr Major would therefore be bound to offer his resignation. But would he? He would then do? She could hardly invite Mr Kinnock to assume office, since his own party would have been arguing for still greater concessions to our European partners. The same would apply a fortiori to Mr Ashdown despite his enthusiasm for referendums.

The only logical course of action would be to invite Mrs Thatcher to form a government, but is there any evidence that her policies would be supported by a majority in the House of Commons? So she would have to be granted a dissolution and all would be left to the new House of Commons.

In that sense Mr Ridley and Mr Powell are quite right. If one wants a different policy one must vote for candidates pledged to it. Given the role of party in our affairs this does not seem very hopeful either.

Referendums and responsible government on the "Westminster model" simply do not mix.

Yours truly,  
BELOFF,  
House of Lords,  
November 23.

From Mr J. Garton Ash

Sir, Neither Parliament nor the government has the constitutional right to hand over powers permanently to any other institution without the express consent of the people, which can only be given in a referendum, since in a general election a whole series of issues are raised, and the people are only delegating a general power to the party who they think best represents their general views.

Parliament is therefore not entitled to agree to any treaty which permanently deprives the people of their rights to change policy at intervals no greater than five years. This would necessarily imply that any transfer of powers to any European institution would be unconstitutional since, although treaties can sometimes be abrogated, it is clear that once such powers have gone, they will not come back.

Yours faithfully,  
J. GARTON ASH,  
Fairfield, 14 Highdown Road,  
Roehampton, SW15,  
November 21.

From Mr Adam Bruce

Sir, Politicians may argue whether by joining the Community in 1973 Britain was agreeing to limit its sovereignty and to subject the legislative supremacy of Parliament to the primacy of Community law, but the legal consequences of Britain's entry were confirmed last year by the lords of appeal in the House of Lords, when they stated that

it has always been clear that it was the duty of a UK court to override any rule of national law found to be in conflict with any rule of Community law.

In joining the Community we did not merely sign up to a set of "treaty obligations" which could be revoked at will; instead the legal system of the Community has become an integral part of our own, to such an extent that, in light of the Lords' judgment, Parliament could not legally vote to leave the Community, or even to ignore provisions of the Treaty of Rome. Thus the real future of the Community will be governed not by parliamentary legislation, but by the legal rules emanating from the European Court of Justice and our domestic courts.

## In prison abroad

From the Director of Prisons Abroad

Sir, Your report (November 22) quoting Tom Sutherland's view that the publicity generated by such groups as the Friends of John McCarthy probably prolonged the captivity of the hostages raises a fundamental issue with which we have to grapple daily. Does publicity create public pressure for a prisoner's release or does it enure the determination of the captors?

Prisoners Abroad now has 540 clients in over 50 countries and is the only charity which cares for the welfare and interests of our citizens detained overseas, whether by lawful or unlawful authority. Many suffer degrading conditions and lack of basic necessities. Many have experienced gross injustice. Many ask us to publicise their plight.

We know, however, that to do so can jeopardise their situation by inviting retaliation from the authorities (some of our clients have been severely beaten and threatened for trying to give us information about their treatment). The quiet approach, by using contacts with the governments concerned, is often more fruitful. It also means that our organisation is respected abroad as having no political axe to grind with the welfare of our clients being our sole consideration. That can be worth a release or two.

Yours faithfully,  
KEITH BEST, Director,  
Prisoners Abroad,  
82 Rosebery Avenue, EC1,  
November 22.

## Waite's release

From Mr C. A. Payne

Sir, I was relieved and glad when Mr Waite was finally released from his barbaric — albeit self-inflicted — incarceration.

My sympathies also extended to his wife and family, waiting patiently in the VIP lounge at Lyneham (report, November 20) for their turn in the pecking order.

Now that the euphoria is subsiding, it is to be hoped that the media, and all other Waite-watchers, will permit him to retire into immediate and permanent obscurity. He, and the public, deserve no less.

Yours truly,  
C. A. PAYNE,  
The Old Chequers,  
South Creak, Norfolk.

From Mr Peter Mulholland

Sir, Terry Waite risked his life and his freedom to help release Western hostages in Beirut, even going so far as to ignore advice and make his fateful last trip which resulted in his abduction.

If the honours system is to have any meaning then surely his name should appear near the top of the new year's list.

Yours faithfully,  
PETER MULHOLLAND,  
91 Dryburgh Avenue, Glasgow,  
November 19.

Business letters, page 25

## LETTERS TO THE EDITOR

1 Pennington Street, London E1 9XN. Telephone 071-782 5000

Political posturing is nothing new, but for most of my students born after Britain joined the Community, the debate over whether Parliament is sovereign or not is now irrelevant.

Yours faithfully,  
ADAM BRUCE  
(Tutor in constitutional law,  
Edinburgh University),  
Broomhall, Dunfermline, Fife,  
November 23.

From Mr Richard Fox

Sir, One major advantage in holding a referendum on the issue of a single European currency would be to force our politicians to explain and discuss the economic rationale behind such a move and not just the political consequences (German hegemony over Europe, etc). Without proper understanding of the economic benefits of a single European currency how can we possibly decide whether the political price is worth paying?

I note with some alarm one reason advanced by certain of our politicians for not holding a referendum is that we, the general public, cannot be expected to understand the complex issues at stake.

Is this not a cover for politicians who do not understand the economic issues either? If so a referendum, by forcing all of us to consider both the economic and political issues concerned and thereby affording an opportunity to make a proper well-informed decision on a matter of such critical importance, will have been more than justified.

Yours faithfully,  
RICHARD M. FOX,  
10 Templars Crescent,  
Finchley, N3,  
November 25.

From Mr Gregory

Lauder-Frost  
Sir, I am appalled at the manner in which MPs and the media are attacking Mrs Thatcher over her comments on Europe and a referendum. Possibly with her experience in No 10 she is more aware than most of the dangers of a united Europe.

I recall many of her former colleagues being referred to as "poodles" during her term of office for not putting up alternative views. Let us have a referendum on our

sovereignty as soon as possible. Should the result be as I expect maybe all those MPs who are presently wishing to give away our nation's heritage will stand down — and apologise to Mrs Thatcher.

Yours faithfully,  
GREGORY LAUDER-FROST  
(Chairman, Foreign Affairs  
Committee),  
The Monday Club,  
BCM "Conservative",  
London WC1N 3XX,  
November 23.

From Mr B. G. Coxall

Sir, Mrs Thatcher's voluble concerns about democracy and the right of the people to express their will sit ill with her complacent tenure as prime minister for 12 years in the light of the support for her party of only 43.2 per cent of the UK vote at the last count.

Yours sincerely,  
B. G. COXALL,  
24 Ryecroft Road,  
Oxford, Sevenoaks, Kent,  
November 22.

From Mr Brian H. Fish

Sir, Mrs Thatcher says, "let the people speak" (report, November 21). Such a call, coming from that woman who never seemed to hear when people were speaking, much less listen to what they were trying to say, really does hit a political low. And for her even to think of the word "arrogant" to apply to others is ludicrous.

Yours faithfully,  
BRIAN H. FISH,  
14 Stoke Hill,  
Stoke Bishop, Bristol, Avon,  
November 23.

From Mr A. R. Brown

Sir, The sovereignty of Parliament is not Parliament's to vote away. It belongs to the people who elected them to govern.

If they wish to transfer this sovereignty to Brussels or indeed anywhere else, they must first ask the people.

There must be a referendum.  
Yours faithfully,  
A. R. BROWN,  
Staple Mead, Cullind,  
Taunton, Somerset.

## Record pirates

From the President of IFPI

Sir, Your Warsaw correspondent, Roger Boyes, reported (November 22) that most Poles do not take record pirates too seriously, believing that they perform a useful function: providing Western culture at affordable prices.

It is true that in the past music pirates brought Western culture, particularly to Poland's youth, against the wishes of the communist authorities. They performed a valuable role in the same way as underground publishers. They were rightly regarded as national heroes.

Now the situation has changed. Music piracy in Poland is the highest in Europe, accounting for some 80 per cent of the market. Pirate copies of the latest best-selling international and domestic artists appear rapidly and are flooding the markets of neighbouring countries.

The effect of this is that the newly emerging legitimate Polish recording industry is being stifled at birth. Moreover, talented Polish artists are unable to find their deserved place on the international scene as they do not receive their rightful reward in their own country.

Far from being national heroes, Polish music pirates are now the enemies of their own culture. Effective legislation is in the best interests of Poland.

Yours faithfully,  
JOHN MORGAN, President,  
International Federation of the  
Phonographic Industry,  
54 Regent Street, W1,  
November 22.

## Recruits to teaching

From Miss Emma Foxall

Sir, Your report (later editions, November 19) the education secretary as saying that teaching is once again an attractive career. This is surely a flight of fancy on Mr Clarke's part. The 21 per cent increase this year in recruitment into teacher training is more likely due to the lack of employment opportunities open to recent graduates who view a teacher-training course as a means of supporting themselves on a government grant and remaining students for a further year.

This increase could lead in turn to a decline in teaching standards when a flood of people, not seriously interested in the education of children, apply for the previously unfilled job vacancies at schools.

Yours faithfully,  
EMMA FOXALL,  
Dayspring, Shady Lane,  
Bromley Cross, Bolton, Lancashire,  
November 19.

## Cut out the trimming

From Mr Frank Dewar

Sir, I recently bought a beard trimmer but was intrigued to learn that it came with the offer of a free electric shaver. Does this not seem like built-in obsolescence?

Yours faithfully,  
FRANK DEWAR,  
22 Parkhurst Road, Bexley, Kent,  
November 20.























TODAY IN  
BUSINESS

BUSY LINES



Busy lines at Vodafone meant half-time profits up from £12.2 million to £14.0 million and a credit balance, said Gerry Wheat, chief executive. Page 23

UNHEALTHY

Private medicine is having problems. One year's premiums cover just three rights in a private hospital, but the elderly will bear the brunt of the premium increases. Page 25

HOUSEBOUND



The recession has created a shortfall of a million homes in the Nineties, Sir Clifford Chetwood, chairman of Wimpey, told a building conference. Page 22

OBJECTING

Peter Clowes, former head of Barlow Clowes, told an Old Bailey jury yesterday that describing his business as a "team of thieves" was objectionable. Page 23

EXTENDING



Michael Howard, the employment secretary, plans to extend the government's Training Credits scheme to a fifth of British school-leavers. Page 25

THE POUND

US dollar 1.7975 (-0.0005)  
German mark 2.9481 (-0.0044)  
Exchange index 90.6 (-0.2)  
Bank of England official base rate (4pm)

STOCK MARKET

FT 30 share 1876.3 (+9.5)  
FT-SE 100 2466.2 (+9.9)  
New York Dow Jones 2849.01 (-8.72)  
Tokyo Nikkei Avge 22866.69 (-248.70)

INTEREST RATES

London Bank Base 10 1/2%  
3 month interbank 10 1/2%  
3 month deposit 10 1/2%  
US Prime Rate 7 1/2%  
Federal Funds 4 1/2%  
3 month Treasury Bills 4.43-4.42%  
2 1/2 year bonds 100 1/2-100 1/2%

CURRENCIES

London New York  
£ \$1.7995  
DM \$1.7895  
¥ \$1.4085  
FF \$1.4115  
Sfr \$1.4115  
Yen 228.89  
Index 90.6  
CPI 107.3035  
ECU 1.9363  
London foreign market close

GOLD

London Fixing  
AM \$358.40 pm \$358.10  
COMEX \$358.30-358.40 (2205.00)  
New York  
Comex \$358.65-358.15

NORTH SEA OIL

Brent, Dec 1 \$19.80 bid (\$19.90)

RETAIL PRICES

RPI 25.1 October 1987-100  
Demogex midday trading price

Treasury statement causes confusion

# Central bank buying helps pound revive

By ANATOLE KALETSKY, ECONOMICS EDITOR

STERLING rebounded strongly yesterday morning after the Bundesbank and Bank of France openly entered the foreign exchange markets to buy sterling for marks. Fears of a sterling crisis were rejected, however, when the currency fell sharply again in afternoon trading, responding to a confusing statement from the Treasury, which denied there had been international support for the pound.

Traders described sterling's roller-coaster ride in the markets as probably the most confusing day since ERM entry last October. By the end of trading in London, the pound stood at DM2.8480, marginally down on Friday's London close, but its movements ranged from a weak opening at DM2.84 to a peak of DM2.8580, just after the Bundesbank bought roughly £30 million for marks. The Bank of France bought an estimated £20 million at about

the same time in Paris, encouraging market hopes of a co-ordinated European campaign to help sterling.

Even more important than the rise above DM2.85, according to currency experts in several banks and official institutions, was a clear break by the pound through the strong technical resistance at \$1.80. As sterling soared against the dollar to \$1.8080 immediately after the Bundesbank and Bank of France orders, several technical analysts, whose views tend to dominate short-term currency trading, began to reconsider their overwhelmingly bearish attitudes to the pound.

However, traders became suspicious about the authorities' determination to boost sterling when they noted no signs of buying by the Bank of England. As sterling was already coming off its lunch-time peaks, the markets were then stunned by a statement from Brussels on behalf of

Norman Lamont, the Chancellor.

Asked about reports from dealers that the Bundesbank had intervened to support sterling, Mr Lamont's spokesman said: "I understand the Bundesbank placed a large order. It wasn't intervention, it was executing an order." The Treasury and Bundesbank refused to comment on who might have placed the large sterling order, but traders speculated that the most likely "customer" was the Bank of England itself.

The Bank also refused to comment, but government officials conceded that the only customers the Bundesbank was likely to serve in the foreign exchange markets were other central banks or international institutions such as the European Community. Dealers said that customers like these would never place a large order for sterling at a time of extreme currency volatility without clearing its actions with the Bank first.

None the less, the Treasury's unusual denial of any deliberate intervention by the Bundesbank sent the pound reeling back towards its opening levels, as some concluded that the British and European governments had no plans to defend sterling after all. It ended London trading at DM2.8480 and well below dollar resistance at \$1.7975.

Traders described events as a "dismal failure" if the government's intention had been to raise confidence in sterling. It had "simply drawn attention to the pound's weakness", one dealer said. Another said the Bundesbank would not have behaved so ambiguously in defence of the mark: "This whole thing was typical of the Bank of England and its obsession with secrecy. When the Bundesbank wants to send a signal to the market they let traders know damned well what they are doing. But the Bank of England always tries to operate by nefarious means, and often it doesn't work."

Comment, page 25

## Forecast of 1.8% growth in 1992

By COLIN NARBROUGH, ECONOMICS CORRESPONDENT

THE economy will achieve only sluggish, below-capacity growth in 1992, after a steep decline this year, according to the latest survey by the Society of Business Economists. Rising unemployment and the depressed housing market are still dampening consumer spending.

The society paints a much gloomier picture than the Chancellor in his autumn statement. Mr Lamont predicted a 2 per cent fall in gross domestic product this year and a 2.25 per cent growth in 1992; but the business economists' forecasting group expects 2.4 per cent shrinkage this year and only 1.8 per cent growth in 1992. The results of a questionnaire to member economists show that 52 per cent of respondents expect growth of 1 to 2

per cent next year. About a third expect faster growth. But 14 per cent foresee almost no pick-up at all.

The forecasting group predicts that, as a result of slow adjustment to the European exchange-rate mechanism, average annual growth between 1992 and 2001 will be 2.5 per cent in real terms. Unemployment will average 2.3 million until 1997, before falling to 1.9 million.

The main factors behind the expected modest pickup in activity next year are identified as a small increase in consumer spending and reduced rundown of stocks.

The economists expect consumer spending to increase by 1.5 per cent next year, a percentage point less than the Chancellor forecast, after a 1.1 per cent drop in 1991.

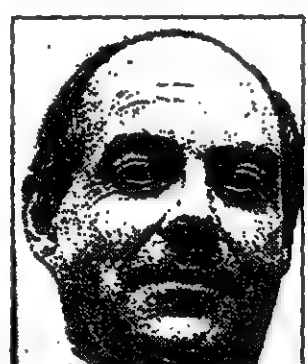
## Ultramar cuts notice period

By GILLIAN BOWDITCH

ULTRAMAR, the oil company that is fighting a £1.16 billion hostile bid from Lism, has responded to strong criticism of its directors' remuneration arrangements by cutting their notice period from six years to three years.

The move comes 24 days after John Darby, the chairman, and Lord Remnant, the deputy chairman of Ultramar, resigned. Their resignations were seen at the time as a response to the row over Ultramar's service packages for directors. But there was further criticism over the £680,000 paid to Mr Darby and the £95,000 paid to Lord Remnant as compensation for loss of office.

Michael Beckett, the acting chairman, has written to shareholders to tell them that all the executive directors



Beckett: drop in salary have agreed to the change in notice period. In future, a severance bonus will only be paid on death, disability or bona fide retirement on grounds of age.

The company has also decided that pay increases will be mostly in the form of discretionary bonuses that will reflect the performance of the

group and the contribution made by individual directors. The formula for the bonus is still being debated. Mr Beckett said he intended to put it to shareholders at the annual meeting, assuming Ultramar wins the bid.

Speaking from America, Mr Beckett said he had not worked out the global figure for severance but it represented a significant saving to the company. Some reports put the directors' payoffs as high as £20 million prior to yesterday's changes.

"I've abolished the non-executive's contracts. In future, they will get a fee in line with other FT-SE 100 non-executives. That is between £12,000 and £17,500."

Mr Beckett, who is looking to recruit a permanent chairman, said his own salary would fall from roughly £21,500 to £17,500.

## Dawson to review pricing

THE price of cashmere jumpers could come down next year, says Dawson International, the clothing group whose luxury brands include Ballantyne and Fringie.

Economic recession has prompted falls in the price of cashmere fibre of up to 20 per cent. "We will be more aggressive in our prices for our autumn 1992 range," said Nick Kuensberg, chief executive of UK operations. Dawson reported pre-tax profits of £16.2 million for the six months to end-September, down only 6.4 per cent. But Ronald Miller, chairman, said the second half could be difficult. The dividend stayed at 2.9p.

Tempos, page 24

## The dangers of playing Footsie

By GEORGE SIVELL

WHAT do the following companies have in common: Polly Peck, British and Commonwealth, Seatchi and Saatchi, Next, Burton, Ferranti, MFI and Magnet and Southernst?

The somewhat surprising answer is that they were all once members of the FT-SE 100, the index set up by the Stock Exchange in December 1983, to monitor more accurately the performance of the leading companies in the UK and, more importantly, provide a basis for futures trading.

Certainly, the effect of entry to the FT-SE 100 can be startling as NFC, the worker buyout company privatised and then floated on the stockmarket, discovered yesterday. NFC rose 10p to 233p, a recognition of the newly acquired desirability of the shares, which will now be sought by the hordes of fund managers who justify their existence merely by tracking the performance of the leading shares indices. Ironically, shares in Reuters rose yes-

terday also. They are already part of the FT-SE 100 but are to join the FT-30 index as well. The FT-SE 100, a simple arithmetic index (the fundamental part of the calculation involves adding up the weighted share prices and dividing by 100) was supposed to supersede the FT-30 index (a more complex index derived by multiplying a weighted variation of the 30 constituent share prices together and taking the 30th root).

But to look at the 9p rise in Reuters to 878p, it would appear there are still benefits of FT-30 membership. The reason for both Reuters' and NFC's elevation to their respective indices was the same: the demise on Friday of Hawker Siddeley after falling to a bid from BTR, the engineering conglomerate.

Yesterday's change in the compilation of FT-SE was its 92nd, which on an index of 100 stocks begins to call into question its role as a historical measure of stockmarket performance. The index is changed when one of its members meets with a sudden demise, such as Hawker Siddeley, or when the indices

committee at the London Stock Exchange decides at one of the quarterly review meetings that one of the constituents is no longer representative.

The main grounds for replacement in this fashion are normally a fall in the market value of the company, which is then replaced with the next highest stock of capitalisation.

Lurking on the reserve list in the event of sudden demise of an FT-SE 100 member are some stocks that have been in before - Burmah Castrol, Coats Viscella, Harrisons & Crosfield - and two that have not - W H Smith and Tomkins.

Deletions from the list read like an index of modern British corporate history: Eagle Star, Johnson Matthey, House of Fraser, Debenhams, Lloyds, Rothschild (N), Jaguar, Dixons, Amstrad, Standard Chartered Bank, Consolidated Gold Fields, Gateway and Storehouse. They have, however, been balanced by the entry of the enormous swathe of privatised stocks created in the past decade.



Breathing space: Kevin Maxwell, centre, and his brother, Ian, are relieved after yesterday's meeting

## Banks agree to give Maxwells time to draw up recipe for reconstruction

By NEIL BENNETT AND ANGELA MACKAY

ALL Maxwell family private assets, including the 51% stake in Mirror Group Newspapers, are up for sale. Kevin Maxwell admitted to a meeting of bankers yesterday.

"There are no sacred cows," he said, in his presentation, but the MGN stake would be "the last to go". The meeting was also told that the family needs a £5 million cash injection to save off collapse. Their bankers, owed £800 million, have agreed to support the private businesses and are considering the plea for £5 million in new loans while a detailed programme of reconstruction, including major asset sales, is drawn up.

A steering committee of five banks, led by NatWest, was appointed at the meeting. The committee will report back to the rest of the 28 banks next Tuesday when a decision will be made on whether to extend more credit

to the Maxwells and freeze debt repayments.

Headington Investments and Robert Maxwell Group, the two key family companies, are thought to need a cash injection of up to £30 million by next spring depending on disposals. The £5 million is needed almost immediately however to ease cash flow.

Kevin Maxwell, who succeeded his father, Robert, as chairman of Maxwell Communications Corporation, and his brother Ian, chairman of Mirror Group Newspapers, have appointed NM Rothschild as the family's merchant bank adviser to work in concert with Bankers Trust, Coopers & Lybrand Deloitte, the companies' auditor, have been retained to advise the banks.

The stock market reacted positively to the banks' support. Shares in MCC, in which the family has a 68 per cent stake rose 8p to end at

44p while Mirror Group, 51 per cent controlled by the Maxwells, held at 125p.

Two reports prepared by Bankers Trust and Coopers & Lybrand at the request of the family were presented during the meeting. One banker who attended said: "There were quite hefty documents to digest quickly but there appears to be enough positive information to show that the family businesses are not about to melt down." The reports showed the companies have a surplus of unsecured assets of up to £180 million.

John Melbourn, the NatWest director who chaired the meeting, said: "The meeting... was conducted in a sensible atmosphere with clear opening remarks from Kevin Maxwell and an excellent presentation from Coopers & Lybrand. In the circumstances we achieved all we could hope for today."

Kevin Maxwell said: "It

was, from our point of view, extremely constructive, very helpful and frank. The banks have agreed to form a steering committee to look in a level-headed way at our companies' proposals."

The biggest threat to the family's financial salvation was from Swiss Bank Corporation which called for the repayment of a £55 million loan and inspired a Serious Fraud Office investigation. Robert Maxwell is believed to have sold a share portfolio promised as security.

Swiss Bank, however, fell into line and agreed to take "no precipitate action" while the talks were underway. The steering committee, comprising NatWest, Midland, Lloyds, Banque Paribas (Switzerland) and Sumitomo, will continue meeting all this week.

Comment, page 25



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## Shortfall of 1m homes forecast in Nineties

BY OUR INDUSTRIAL STAFF

THE deep recession in the construction industry will cause more destruction than the last economic downturn a decade ago, a building chief said yesterday.

Sir Clifford Chetwood, chairman of Wimpey, said there would be a shortfall of up to a million homes between the number required and the number built this decade. Plans being produced by local authorities would "dramatically under-

supply the nation's housing needs". He added that that up to 250,000 jobs could be lost by next summer since the recession started two years ago, and the number of companies going bust could top 5,000 this year.

Addressing the Building Employers' Confederation in Birmingham, Sir Clifford, the confederation president, said the shortage of houses in the Eighties reached 1 million. This resulted in the "boom and bust" market which led to the current high levels of repossessions and problems of homelessness.

"Many counties are now cutting back on their intended rates of economic growth, simply as a means of putting a brake on demand for housing," he added. "This spells serious trouble for the British economy in the 1990s and contains the seeds of another housing crisis."

Councils were also planning to build too few factories or out of town stores, he said.

The industry was "shockingly depressed" and significant recovery would not start until 1993, he said.

"I must emphasise we are by no means through the worst. In terms of our current workload and future order books things are still getting worse and there are some harsh times ahead."

Also during the conference, Sir George Young, the housing minister, was challenged to explain why the Treasury is withholding £100 million that would release matching funds from the EC to help clear up coal mining areas.

Brussels offered the money on condition that the government also spends £100 million. John Owens, BEC director general, said the money could be of "considerable benefit" to the construction industry.

Sir George said the government and Brussels were holding talks to try to resolve the issue.

## Building decline slowing

BY ROSS TIEMAN  
INDUSTRIAL  
CORRESPONDENT

INCREASES in public and private sector spending in infrastructure will slow the decline of the construction industry in Britain, according to the National Council of Building Material Producers. In a revised forecast, the BMP says construction output will fall by 8.5 per cent this year, rather than the 11 per cent it predicted in July. The council predicts that rising private sector spending on the Channel tunnel, and in the water and power industries, will offset the decline in industrial construction.

At the same time, public spending on projects such as roads and rail will increase, rather than decline, as expected earlier. However, a steep decline in shop and office building, and the weakness of housebuilding, will continue the overall contraction.

The council said: "No recovery in building activity is envisaged until 1993 and the upturn, at 2 per cent, should be seen as only marginal against the earlier declines."



Ten years on: Sir Clifford warned builders that the slump is worse than 1981

## Bankers criticise ASB

BY NEIL BENNETT, BANKING CORRESPONDENT

THE British Bankers Association has accused the Accounting Standards Board of economic unreality and called for it to modify or abandon its proposals on off-balance sheet finance.

Paul Tillett, BBA's deputy secretary, has written to the board in response to its proposals to force banks to include securitised loans in their balance sheets.

The letter says in part that the proposals "do not reflect economic reality and will result in accounts which do not present a true and fair view".

The BBA is worried that the change in accounting standards will damage the

growing securitisation market by making it appear that banks are at greater risk from their securitisation business than before. Several of the main high street banks have also written letters of complaint to the board.

Until now, banks have been able to make some of their mortgage lending off their balance sheets as bonds. Since they no longer own the debt, the banks do not have to record them in their annual reports.

Now, however, the board wants all securitised bonds to be listed as assets in banks' balance sheets.

The BBA said that the

change would also make it difficult for a bank to convince bondholders that it offered no guarantee on the securitised issue if it defaulted. The letter added that the change would confuse banking analysts.

"It will be difficult to convince users of accounts that risk has been transferred. Securitisations which would have been economically efficient will be frustrated," claims the letter.

The board has finished taking comments on its proposals on off-balance sheet finance, and is expected to produce a revised draft shortly.

## Rival generators to capture 20% share

BY OUR INDUSTRIAL CORRESPONDENT

INDEPENDENT power generators are on course to capture 20 per cent of the electricity market in England and Wales within seven years, according to figures released by the National Grid Company (Gridco) yesterday.

Terms have been agreed for connection of 11 new power stations to the national electricity transmission system during the past six months, Gridco said.

The agreements double the number of plants where developers have made a financial commitment to proceed. However, the surge in independent generation, at a time when demand growth is expected to be negligible, and large surplus capacity already exists, suggests the two privatised generators which dominate the market, National Power and PowerGen, may have to close many more plants.

Independent generators now have firm plans to construct more than 11,000 megawatts of new generating capacity, all fuelled by gas. These will combine with new plant programmes at the privatised generators, the completion of Sizewell B, and the upgrading of the power link between Scotland and England to add 16,300 megawatts to a power system with a peak demand last year of 50,000 megawatts.

The scale of expansion planned by independent generators in the wake of privatisation of the electricity industry was revealed alongside half-year profit figures for Gridco.

In the half to end-September National Grid, which is jointly owned by the 12 regional supply companies, increased pre-tax profits by 22.4 per cent to £243.7 million.

The figure was flattered by the late receipt of £18 million of income from system users, which should have been received last year. John Uttley, Gridco finance director, said the underlying improvement in earnings was 11 per cent.

The transmission company has increased the half-year dividend to its shareholders by 9.2 per cent, at a total cost of £38 million.

## BUSINESS ROUND UP

### New contracts aim to stabilise power prices

NUCLEAR Electric has moved to stabilise bulk electricity prices by offering six-year contracts in its annual tender round, which sets a benchmark price for the industry. The contracts, which will run from April next year until March 1998, will provide the first widespread opportunity for companies and regional power suppliers to protect themselves against price fluctuations.

Nuclear Electric's so-called contracts for differences, a financial hedging device, will be sold by a tender offer. One-year contracts will remain available, but the state-owned nuclear generating group, which supplies more than 17 per cent of UK power needs, said longer term contracts would assist its financial planning. They will also enable energy intensive manufacturers to protect themselves against unexpected increases in power prices.

### Marrel bids for Edbro

MARREL, a French hydraulics company, has made a recommended takeover bid for Edbro, a British manufacturer of tipping hoists for trucks and trailers, based in Bolton, Lancashire.

The offer, 270p per share in cash, values Edbro at about £24.2 million, and represents a 92.9 per cent premium on Edbro's share price, which shot up from 140p to close at 268p on news of the bid. The premium on net asset value, as of March, is 10.7 per cent.

### New chief for Ashley

LAURA Ashley Holdings, the clothing and furnishings retailer, is strengthening its British retail operations with the appointment of Stephen Cotter as managing director of Laura Ashley's UK retail operation.

Mr Cotter, aged 44, was formerly director in charge of retail operations, marketing and personnel of Burton Retail. He has worked in the retail sector for more than 20 years with BHS, Mothercare, Dorothy Perkins and Burton. Laura Ashley has more than 180 stores in the UK.

### James Cropper down

PRE-TAX profits at James Cropper, the Cumbria-based specialist paper and board maker, fell to £621,000 in the six months to end-September, down from £971,000 last time. Turnover climbed to £20.1 million, from £19.6 million last time.

Earnings per share slid from 10.1p to 5.3p, but the interim dividend is maintained at 0.975p. The company blames the recession for the adverse effects on its order book and margins. Trading continues to be difficult.

### Hewetson falls 27%

THE continued difficult trading conditions took their toll on Hewetson, the building materials group. The company suffered a 27 per cent fall in pre-tax profits to £703,000 (£1.17 million) in the six months to end-September, on turnover down from £22 million to £19.2 million.

Fully diluted earnings slid to 4.48p (7.63p) per share, although the interim dividend is maintained at 1.6p. Profits were hampered by reorganisation costs which resulted in an exceptional debit of £154,000.

### Merrydown declines

MERRYDOWN Wine, the USM-quoted Sussex cider, wine and health foods group, reports a slight slip in pre-tax profits to £943,000 in the six months to end-September, down from £1.03 million last time.

Group turnover eased from £8.13 million to £8.1 million, with first half sales damaged by the recession, increases in excise duty and VAT, and poor weather. Earnings per share, adjusted for October's scrip issue, fell to 8.7p (9.25p). The interim dividend is raised by 12.5 per cent to 1p.

## Ex-director of Scrimgeour 'lied to clinch share deal', court told

BY OUR CITY STAFF

A FORMER director of Scrimgeour Vickers, a City stockbroking company, lied to secure a £23 million share deal, it was alleged in the High Court yesterday.

Anthony Grabiner, QC, was opening an action in which Smith New Court, the stockbroking firm, is asking Mr Justice Chadwick to rescind its purchase in 1989 of 28 million shares in Ferranti International Signal from Scrimgeour.

If that claim fails, Smith New Court seeks damages for alleged fraudulent misrepresentation by former Scrimgeour executive director Christopher Roberts. It is claimed that Mr Roberts led Smith New Court into the deal by stating falsely that there were other bidders for the shares.

The action, which is expected to last two weeks, is being contested by Scrimgeour Vickers and Citibank, both subsidiaries of the Citicorp Group, and by Mr Roberts.

Mr Grabiner told the court that the Ferranti shares had belonged to James Guerin and had been charged against a £23 million loan to his company, Parent Industries.

Smith New Court's case was that on July 21 1989, Mr Roberts had telephoned to ask if the firm was interested in buying the shares, saying they would be in competition with two other would-be purchasers — Citicorp CSV, Citicorp's stockbroking and market-making arm, and another bidder not in the securities industry, Aerialia. Just after 5 pm the same day, Smith New Court agreed to buy the shares for 82½ pence each.

Mr Grabiner said Smith New Court could only speculate as to why Mr Roberts had lied to secure the share deal. Two days earlier he had been told he was going to be dismissed as head of Scrimgeour Vickers and Citibank's on-shore unit.

But Citicorp's senior management had left him in charge of realising the security for the loan to Parent Industries until he left to go on holiday on July 21 — the day the deal was struck. "It may

well be that a resentful Mr Roberts, determined to demonstrate that his employers had just sacked a man of great skill and talent, crossed the boundary of honesty in his desire to demonstrate his point to his employers," Mr Grabiner said.

It was common ground that Aerialia had never bid 81p or any other price for the shares, but Smith New Court had not established that until December 1989.

Smith New Court had sold on the shares to limit its losses, but if the court ordered rescission, it would be "ready and able" to restore the same number of Ferranti shares to Scrimgeour in exchange for the purchase price. Alternatively, Smith New Court is asking the court to award up to £16 million in damages.

In criminal proceedings at Southwark Crown Court earlier this year, Mr Roberts was acquitted of charges of making false and misleading statements to induce Smith New Court to buy the Ferranti shares, but Mr Grabiner said he would submit that the judge should attach "little or no importance" to the outcome of those proceedings.

"The thrust of what was said at the criminal trial was that the Smith New Court witnesses were fabricating their evidence and that their evidence was a parody of the truth," he said. "We will demonstrate that that description is a nonsense."

The hearing continues today.



Company had £23 million loan: James Guerin

## National Power buys into Seafield

BY OUR INDUSTRIAL CORRESPONDENT

NATIONAL Power has acquired a 29.85 per cent stake in Seafield Resources, an oil and gas exploration and production company headed by John Rait, former managing director of Tricentral.

The generating group said it had acquired its £7.2 million stake as a hedge against rises in natural gas prices.

Nuclear Electric has moved to stabilise bulk electricity prices by offering six-year contracts in its annual tender round, which sets a benchmark price for the industry. The contracts, which will run from April next year until March 1998, will provide the first widespread opportunity for companies and regional power suppliers to protect themselves against price fluctuations.

National Power already has a 25 per cent stake in a consortium that was awarded a block in the southern North Sea in the UK twelfth round of offshore licensing.

The generating group is keen to expand in upstream energy production. Because it is already the dominant player in the electricity market in England and Wales, National Power would face severe regulatory constraints if it sought to expand within its core business area.

Colin Webster, National Power's commercial director, is to join the Seafield board. He spent 30 years with British Petroleum before joining National Power.

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Lloyd's man was reinsuring reinsurances

# Outhwaite 'was too far from risks', court told

BY OUR CITY STAFF

A LLOYD'S underwriter who lost his members £260 million took risks most insurers would have refused, the High Court heard yesterday.

Richard Outhwaite is at the centre of a key legal case brought by 987 of his names who accuse him of negligent underwriting.

The losses arose after Mr Outhwaite took on other syndicates' asbestos-related risks in the form of excess-of-loss reinsurance contracts. But Ulrich von Eicken, the

names' expert witness, strongly criticised Mr Outhwaite for reinsuring accounts that were far removed from the potential source of claims.

In at least four cases, Mr Outhwaite was acting as a retrocessionaire, that is, reinsuring reinsurances.

In his expert report, Mr von Eicken said that by the Eighties reinsurers had ceased to accept retrocessionaire business precisely because they could not assess their liabilities. "As a

retrocessionaire you were too far removed from the risks to make any kind of meaningful assessment of such questions as outstanding losses and loss reserves," the report stated.

Mr von Eicken said that the further away an underwriter was from a risk, the more difficult it was to assess that risk. However, Kenneth Rokison, QC, for the defence, said that in that case, a reinsurer was less equipped to assess risks than the cedant.

He said this defeated the names' case that Mr Outhwaite should not have relied on the cedants' assessments of their risks but should have done his own research.

Mr von Eicken replied: "You will never get me to accept that he (Mr Outhwaite) could just sit there and put the money of his names on the line and hope the cedants and brokers would give him all he needed."

"He set himself in a peculiar kind of cocoon and did not know what was going on around him."

"What I am concerned about is what Mr Outhwaite knew when he did what he did, and it was very little. It's bad enough if you are on proportional reinsurance but if it's a chain of excess-of-loss covers you have no hope."

The names, who include Edward Heath, Virginia Wade and Tony Jacklin, are suing the Outhwaite Agency and 81 members' agencies for £150 million on account of negligence and breach of contract.



"In a kind of cocoon": Richard Outhwaite

## Clowes denies any 'thieving'

PETER Clowes, the former head of Barlow Clowes, the investment empire, yesterday denied being head of a "team of thieves".

Replying to the accusation made by Alan Suckling, QC, for the prosecution, Mr Clowes retorted: "I find that objectionable. There was no thieving whatsoever. I have never stolen one penny of anyone's money and I think you should take that comment back. It was a professional team, it was very successful. It was part of an investment strategy."

Questioned about the purchase of property and companies and their registered control, Mr Clowes told the Old Bailey jury that investors in Barlow Clowes were not entitled to know how their cash was spent — given Barlow Clowes' guarantees.

Instead he said that investors were guaranteed both a

yield on their money and their cash back at any time. He said they were not the beneficial owners of group's schemes but had an interest in the profit generated.

Mr Suckling said that while Clowes or colleagues owned the shares of projects undertaken by Barlow Clowes with investors' cash, it had never been acknowledged in accounts.

Clowes maintained investors were never the beneficial owners but that profits were shared through "conduit" companies back to the Jersey based partnership responsible for paying clients.

Mr Suckling alleged that new investors' money had been used to fund returns to earlier clients. Counsel asked if this was "robbing Peter to pay Paul".

Mr Clowes claimed the turn-around of cash was in line with any bank, adding

that if he had invested a sum with a High Street bank and was demanding the return of his capital, that the bank would use a new client's money rather than upset financial strategy.

Mr Suckling asked Clowes about the purchase of a Surrey farm, a Hatton Garden jewellers, and a French chateau and vineyard.

Clowes said that despite the ownership of shares in the nominee companies being with him or other directors, he believed that returns would be paid back to Jersey and to his clients.

Mr Clowes, 48; Peter Naylor, 35, of Sand, Surrey; Guy Cramer, 29, of Mickelthwaite, Yorks; and Christopher Newman, 37, of Poole, Surrey, variously deny charges of fraud and theft. The trial continues today.

## Bioplan takes over HCI

ALISTAIR GRANT

BIOPLAN, the healthcare group that asked shareholders for £22 million in May, yesterday declared a £5.5 million half-year loss and the take over of HCI in a share deal worth £15.8 million.

HCI is a hospital group that owns the King Faisal Specialist Hospital in Riyadh as well as having interests in the development projects in the Spain, Italy, and Portugal.

The deal was agreed by Bob Nellist, chairman of Bioplan, and Dennis Sokol, of HCI.

HCI took over the international operations of HCA, the Hospital Corporation of America in November 1989.

Bioplan also revealed that £3.7 million of rights cash was used to fund losses in the half year to end September. Behind the losses lay £4.3 million of exceptional costs of which £2.8 million covered balance sheet write offs.



Joining forces: Nellist of Bioplan, Sokol of HCI

## Chemicals giant plans to reduce its costs and raise prices

### BASF profit gloom continues

BY WOLFGANG MÜNCHAU  
EUROPEAN BUSINESS  
CORRESPONDENT

BASF, the world's largest chemical company, has announced that it is embarking on a cost-cutting programme and raising the prices of its products after yet another disappointing three-month performance. During the first three quarters of the year, pre-tax profits fell from DM2.34 billion to DM1.96 billion, although sales rose marginally, to DM35.1 billion.

Most of BASF's troubles are shared by the rest of the chemical industry, which is suffering from worldwide overcapacity because of falling prices. To overcome these difficulties, the company indicated that "major price in-

creases will be unavoidable". Furthermore, BASF pledged to cut its cost base. In a statement, the company made a very gloomy assessment of Germany as a manufacturing base.

It has repeatedly voiced its unease about German manufacturing costs, and this might indicate that it is thinking of shifting production gradually away from its headquarters in Ludwigshafen.

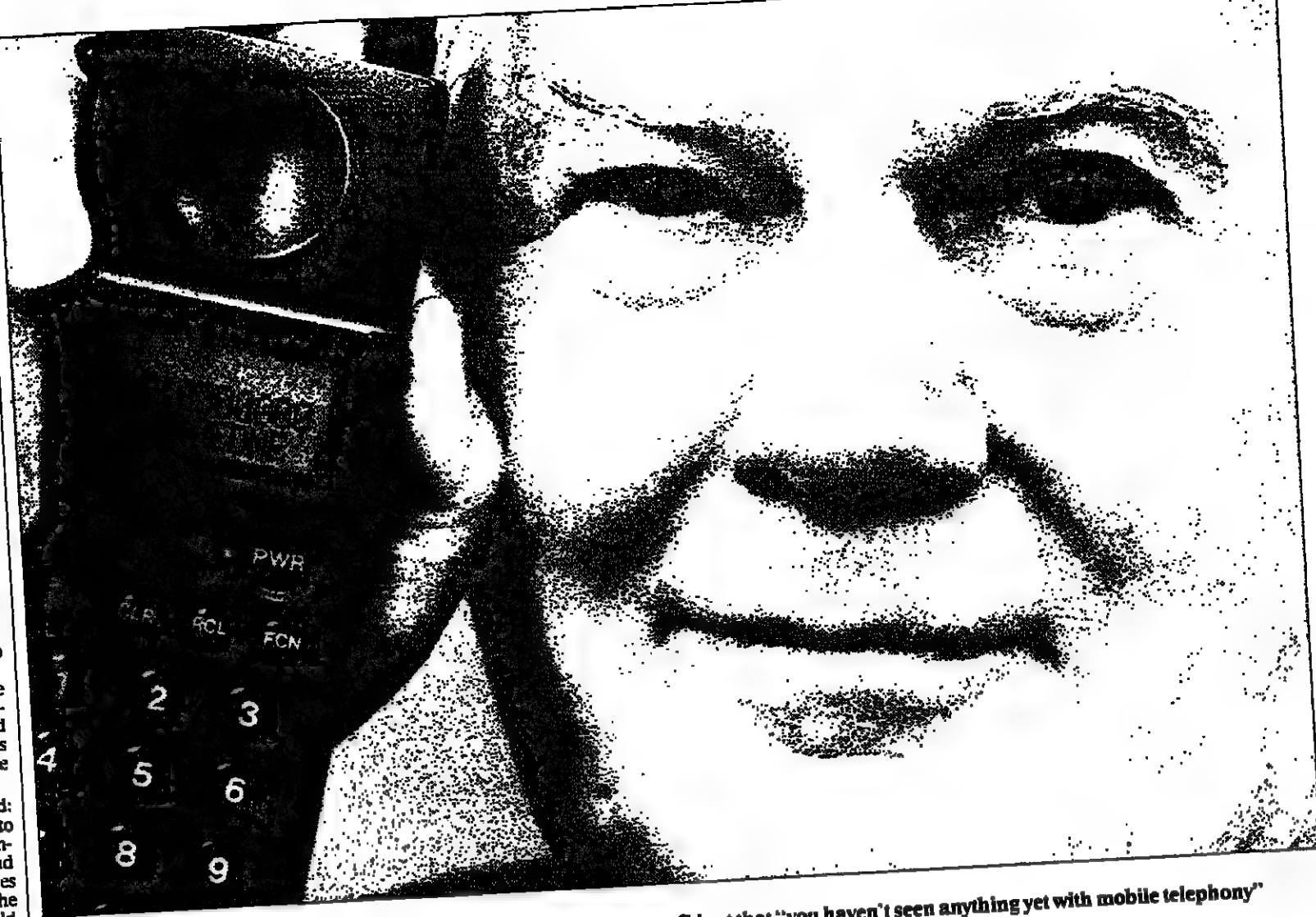
The company said yesterday: "The disadvantages of Germany as a location for the chemical industry are increasing on account of rising costs in the environmental field."

This reflects the view, frequently expressed by German industry, that stringent environmental standards put domestic producers at a competitive

disadvantage. Such sentiments have increased the pressure for Europe-wide environmental legislation. The German and European markets improved after the summer, while eastern Europe suffered from the political upheavals.

The most significant improvement in the business came from Southeast Asia. The oil and gas operations performed relatively well, while agricultural chemicals produced results that were still unsatisfactory, though better. Plastics and fibres were particularly badly hit by price falls.

BASF said it did not expect an improvement in earnings in the next few months. This gave rise to speculation that the company might be considering a cut in its dividend from last year's DM13 a share.



Talking telephone numbers: Gerry Whent, chief executive, is confident that "you haven't seen anything yet with mobile telephony"

## Vodafone advances to £140m interim

BY OUR CITY STAFF

VODAFONE, Britain's biggest portable telephone company, says there are signs of an end to recession and a resumption of growth. "Providing the pessimists don't talk us into a second recession, we think everything will be fine," said Gerry Whent, chief executive.

Vodafone shares reacted strongly to first-half profits of £140 million and in late trading moved 10p higher to 354p.

Vodafone said network use during the recession fell to around £700 per subscriber a year against £725 earlier. The figure is now back up to around £710. Mr Whent pointed to Norway and Denmark as examples of how mobile telephone industries can bounce back from recession.

"You haven't seen anything yet with mobile telephony," he said.

Vodafone says its balance sheet is in good shape, with no borrowings, and is well placed to expand where it sees opportunities. "We might end up with £30 million in the bank at the end of the year...but we might go out and buy something," Mr Whent said.

The company was reporting half-year results to October 11, its first since demerging from Racal Electronics, which formerly had 80 per cent. Pre-tax profit was up to £140 million from £122 million last time. The figure was at the top end of analysts' forecasts, which had ranged from £130 million to £140 million.

"We have no gearing, we have no borrowings at all," said Mr Ken Hydon, finance director. "While it's not intended to be a forecast, we have no definite plans at the moment that would require us to borrow money. The balance sheet is looking healthy."

Mr Whent stressed that this position was achieved after heavy expenditure, including the acquisition for \$75 million of a 30 per cent interest in Pacific Link, and payment of a £50 million extraordinary dividend related to the demerger.

## Williams bid stays frozen

BY MATTHEW BOND

WILLIAMS Holdings has failed in its attempt to restart its £650 million bid for Racal Electronics.

A full meeting of the Takeover Panel yesterday ruled that the bid's timetable would remain frozen until Peter Lilley, the trade secretary, had ruled finally on whether or not the bid would be referred to the Monopolies and Mergers Commission.

The timetable was halted by the Takeover Panel last month, with the bid frozen on day 37.

Once the bid timetable is restarted, Racal will have just two days to unveil its final financial information, the most anxiously awaited element of which is a profits forecast.

Racal's advisers had sought the original suspension because, they argued, Racal

did not want to make a final profits forecast before it knew whether the bid was to be referred or not.

Williams had sought an immediate restart of the bid, because it said it was prepared to meet the undertakings required by Mr Lilley to ensure that the bid need not be referred to the MMC.

Although Mr Lilley indicated the undertakings he required last week, he initiated a ten day period of consultation that expires on Friday.

A statement from the panel yesterday pointed out that until the secretary of state has indicated that there will be no referral to the monopolies commission, that uncertainty would exist.

The panel concluded that it was unreasonable to expect Racal "to disclose informa-

tion which might not otherwise be disclosed".

Although the bid timetable remains suspended, hostilities continue to be exchanged between the two companies.

Racal yesterday attacked Friday's statement from Williams alleging that, following the planned demerger of Racal Security, Racal's remaining businesses would have borrowings of £250 million.

Racal said that a circular to shareholders in July had indicated borrowings of £225 million and that current borrowings were "materially less".

Williams later responded by saying that it had based its figure of £250 million on figures supplied by Smith New Court, Racal's broker, in August.

## Shen will challenge removal

BY MICHAEL TATE  
CITY EDITOR

MICHAEL Shen, former chief executive of French Connection, the retail chain, confirmed from a Hong Kong hotel room yesterday that he would be contesting his removal from the company's board last Friday through the courts.

Mr Shen, who was ousted as chief executive in September, and Stephen Malmé, the group's finance director, were group's board at the time of the vote off the board, called by majority shareholder Stephen Marks, who reinstated himself as chairman and chief executive.

"Our legal advice is that the board did not have the power to remove us," said Mr Shen.

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BUSINESS COMMENT 25

## COMMENT

## Fireworks on the exchanges

Although the turbulence in the foreign exchanges still falls well short of a traditional autumn sterling crisis, the government is playing with fire in the currency markets. The Treasury and the Bank of England are behaving with the insouciance of a pair of small boys opening a box of matches.

Yesterday morning's well-publicised purchases of sterling by the Bundesbank and the Bank of France had a beneficial effect far out of proportion to the small amounts of sterling bought.

Within a few minutes of the Bundesbank's buying orders getting around the markets, sterling had jumped from a perilous DM2.84 to a comfortable DM2.8550. Just as important, it had pierced strong technical resistance against the dollar at \$1.80 to stand at \$1.8070. The markets heaved a sigh of relief and the sterling crisis that never happened seemed to be all but over—until Norman Lamont emerged from his conclave of finance ministers in Brussels.

Instead of dismissing the predictable questions about sterling with the equally predictable "no comment", Mr Lamont's spokesman treated the markets to an amazingly explicit denial of any intention to support the pound: "I understand the Bundesbank placed a large order. It wasn't intervention, it was executing an order." Minutes later, the pound was back at DM2.8450 and below resistance at \$1.80. Dealers were openly questioning the government's desire to see sterling stronger. The morning's good work was totally undone.

What on earth was the Treasury up to? Whether the Bundesbank was actually buying sterling for its own reserves (ie, intervening in the technical sense) or merely acting for a customer was irrelevant. It is inconceivable that the Germans would have openly placed large buy orders for sterling without consulting the Bank of England. So the markets could hardly be blamed for drawing one of two conclusions from yesterday's shenanigans: either the Treasury did not know what the Bank of England was doing; or the Chancellor decided that he wanted sterling to stay below DM2.85. The second explanation is perhaps the less likely, but it would at least have an economic rationale in speeding recovery. But even to hint at devaluation at a time like this would indeed be to play with fire.

## Bankers rally

The 28 banks involved in salvaging the Maxwell family's fortunes are following what has become a well-trodden path in the past year. They have appointed National Westminster as a lead banker to talk to the company, arrange meetings and circulate the piles of paperwork. They have elected a steering committee which will negotiate with the businesses and NM Rothschild, advising "the Maxwells. Most important, they have agreed to give the businesses a breathing space to formulate a survival plan. This was no surprise since the lenders have far too much at stake to let the businesses slide into receivership.

Now comes the hard part. Kevin Maxwell and Rothschild must present the banks with acceptable restructuring proposals. While some of the gaps in the companies' finances can be plugged with unsecured assets, the plans will also include a disposal programme and a call for fresh funds. The dismantling of the late Robert Maxwell's diverse business empire is set to continue. The banks' self-preservation instincts have so far saved the Maxwell businesses from collapse. Kevin Maxwell must use all his talents to save what he can of his father's legacy.

## Private medicine runs a pricing temperature

With surgeons earning £500,000 and hospital beds costing £750, the health insurance business has problems.

Liz Dolan reports

More than six million people with private medical insurance are facing premium increases of up to 35 per cent on January 1 as the industry fights to combat soaring claims and treatment costs.

The three million people insured with the British United Provident Association, the country's largest private medical insurance group, will have to pay increases averaging 20 per cent. That is on top of average rises of 18 per cent in 1991. Private Patients Plan, which has 1.7 million subscribers, is planning premium increases of between 10 per cent and 35 per cent. And Western Provident Association, the third largest group, is raising premiums by between 6 per cent and 26 per cent. In virtually all cases, the elderly will take the brunt of the increases.

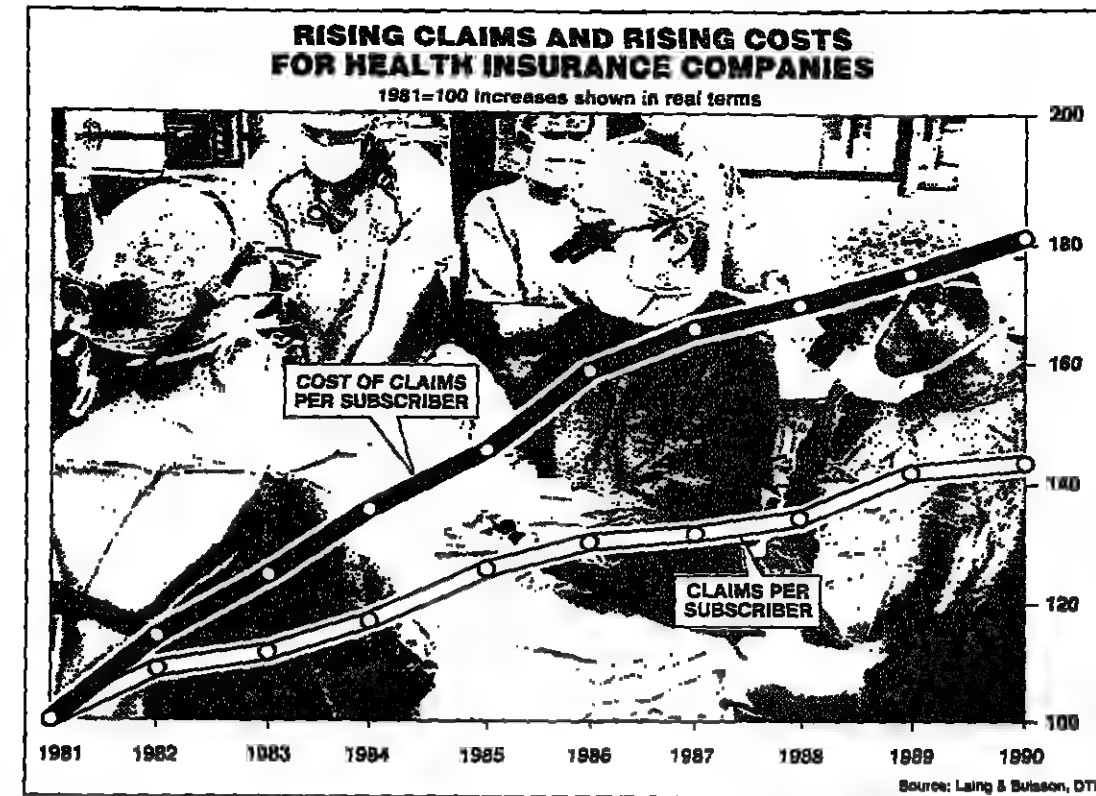
In addition, Bupa has told private hospitals with which it deals that it will not accept any price increases this year, despite the fact that medical inflation is currently 15 per cent to 20 per cent.

These are crisis measures taken to try and sort out a near emergency in the private medical insurance market. The departure earlier this month of several senior executives from Bupa, following insurance losses of £63 million, was just one outward sign of the problems under the surface.

According to Mike Williams, marketing manager of Orion, the private health insurance company: "The BUPA loss was dramatic, but in many ways it was symptomatic of problems facing private health insurers generally. Put very simply, not enough is being charged for the product. And the main reason for that is the competitive nature of the business." In other words, intense competition in the late-Eighties sparked a price war that everyone agrees was spearheaded by the largest insurer, desperately trying to hang on to its market share.

The problem was exacerbated when several composite insurance companies, notably Norwich Union, decided they wanted some of the rich pickings on which Bupa and the others were feasting.

Norwich Union's arrival in October 1990 into a rapidly deteriorating market was heralded by an expensive advertising campaign. Patrick Smith, managing director of NU Healthcare, admits the timing could have been better, but says: "We're trading well ahead of a highly ambitious budget. We are taking on 15,000 new lives a month at the moment." NU refuses to divulge its advertising spend, which is still substantial, because "competition is so cut-throat". Mr Smith added that premiums may rise early next year, but not by as much as



those of competitors. "We are a young company, so our claims have been quite low, and we've never been a cut-price business, anyway."

Since 1979, the number of people with private health insurance in the UK has trebled to between 6 million and 7 million. Premium income has grown to more than £1 billion. Bupa has seen its market share fall from more than 80 per cent in the Seventies to less than 50 per cent.

Edward Lee, Bupa's finance director, said: "It's true we tried to hang on to market share without working out the pricing considerations properly. We underpriced, and failed to forecast the level of claims correctly. We're now addressing the problem properly, not just by getting rid of people but by considering every aspect of costs. If we lose market share now, so be it. We are

beds. WPA predicts they could outstrip the number of beds in the private sector in five years.

While premiums have been held back, the level of claims and medical costs have both risen sharply over the past two years. Roy Forman, chief executive of PPP, said: "No one quite knows why claims have been rising so fast, though I am sure that part of the reason is people hurrying to take advantage of their company scheme before they are made redundant." Claims also grow as the customer base matures. Mr Williams said: "In the corporate market, when you first take on a group, you get a honeymoon period when claims are low. Later on, as more staff discover exactly what's on offer, claims start to go up."

Last year, PPP settled 3,000 claims of more than £10,000. One

One of the reasons is that the biggest insurer owns the biggest number of hospitals. It's the only profitable side of their business and they need to keep the profits up."

Mr Stainton argues that merely pushing up premiums to cover costs cannot be the only solution. He says WPA is already getting 100 letters a week from people who can no longer afford the premiums, which he calculates are 25 per cent below what they should be. "An elderly couple may easily have to pay an annual premium of £3,000 after tax, but that's the cost of four nights in a private hospital in London. We gamble on three nights in any one year. If they spend five nights, we're losing money. And some of them spend 50 nights in hospital."

Ella Davenport, acting chief executive of the Independent Healthcare Association, said: "I think it's a good thing that things have got into such a state, because it means the two sides are at last beginning to get together and discuss the situation. Bupa's statement that it will not accept price rises will obviously cause our members problems, but that's what's making everyone sit down and talk. We're saying, 'That's fine, but now we need to talk about why you're saying that.'"

Spiralling costs are causing some insurers to consider the American system of "pre-authorisation", requiring people to warn insurers before they start clocking up costs rather than when the treatment is over. Others are considering no claims bonuses, but these are still something of an ethical hot potato. Mr Williams pointed out: "It's one thing to leave a dent in your car untreated to preserve your bonus: it's quite another if the same principle is applied to a human being."

**'An elderly couple may pay a premium of £3,000, but that's the cost of four nights in a private hospital. We gamble on three nights in any year'**

no longer going to compete for unprofitable business."

Since the Conservatives came to power, the number of private beds in the UK has increased from 6,500 to 13,000, with the bulk of the increase coming after 1988. Some 80 per cent of the occupants are paid for by insurance companies.

The growth has been so intense that, according to Julian Stainton, managing director of Western Provident Association: "Britain is now overbedded. Some hospitals are currently facing occupancy rates of between 50 and 55 per cent and, for the first time ever, private hospitals are going out of business." Competition is also growing from NHS pay

cost £155,000. WPA has spent the past two years campaigning strongly to bring down what Mr Stainton describes as "outrageous medical charges". He said: "At last people are realising what we've been saying was true. Mark-ups of 20,000 to 30,000 per cent aren't uncommon. A competent cardiac surgeon in London can now earn around £500,000 a year. It's a gravy train."

Mr Stainton concedes that hospitals do face heavy demands on their resources because of the speed with which medical technology changes. "Twenty years ago, if you had a gammy knee, the doctor said 'tough'. Now, you get a new knee. But they still charge far too much.

## Howard hopes for interest in credits

Present a typical 16-year-old with a book of vouchers worth £2,000, and he, or she, will feel an irresistible urge to spend them. That is the simple principle, and fervent hope, behind the government's Training Credits scheme.

There is also a hope that ownership of the credits will encourage teenagers to seek training relevant to their needs and of high enough quality to satisfy their expectations. Guided by counsellors, youngsters can use their credits to buy careers advice and courses provided by the higher and further education colleges, as well as by employers.

The development of such a novel and complex system has not proved straightforward. In an effort to ensure the scheme is responsive to the needs of local economies, and the clients, Michael Howard, the employment secretary, opted to run a series of pilot projects in tandem.

Little more than a year ago, Local Training and Enterprise Councils (Tecs) in England and Wales, and their Scottish equivalent, Local Enterprise Companies (Leecs), were invited to bid to operate a pilot scheme. The first of these, covering 37,000 youngsters, began operation in April.

Yesterday, Mr Howard announced the names of seven Tecs and two Leecs that will begin voucher schemes along similar lines for a further 10 per cent of school leavers next April.

By mid-October, six and a half months after the first pilot schemes began, 27,000 youngsters had been issued with training credits, and 12,000 had started to use them.

A reason for the modest pace of implementation is the need to spread understanding among local business people. Achieving the involvement of small and medium-sized firms, whose failings the voucher system is most urgently needed to address, takes time.

None the less, the employment department highlighted the experience of the South and East Cheshire Tec, which has recorded an 11 per cent increase in the number of school leavers staying on in full-time education, and a 5 per cent rise in the number starting jobs including a formal training element.

Until more evidence is available, the biggest concern over the voucher scheme will remain that it is under-resourced. A squeeze on the Youth Training budget has been hurting.

Tony Blair, Labour's employment spokesman, argues that the cash limit on the voucher may also pose a constraint on the amount of training youngsters receive. He argues for legislation to oblige employers to provide training opportunities.

If the pilot schemes fail to demonstrate that universal and effective training can be achieved without legislation, then Mr Howard may be obliged to lean on employers to take part if he is to achieve his goal of universal entitlement to vouchers among school leavers by 1996.

ROSS TIEMAN  
Industrial correspondent

## THE TIMES CITY DIARY

## Leader of fashion

SIR Ralph Halpern, former chairman and chief executive of the Burton clothing empire, is bursting back on the British fashion scene. Sir Ralph, who has been keeping a low profile since leaving Burton a year ago with a £2 million payout, is leading efforts to start a new trend among British retailers. As chairman of the British Fashion Council, he is bringing British designers, manufacturers and Harvey Nichols together to create new brands that, he hopes, will lure back buyers and breathe new life into the fashion industry. "We've gone beyond the 'pile it high and sell it cheap' phase," says Sir Ralph, who ironically started the trend in "anonymous" house brands that have come to dominate British clothing chains. "We are trying to create the type of brand names you see in the States or Italy; to capture the imagination of consumers once again. Fashion retailing changes from time to time, and it is time for something new." He promises more news early in the new year.

## Due praise

A THREATENED exposé of the corporate culture of Bain & Co, the American management consultancy where red ties, white shirts and blue suits were considered standard, has been put on ice until the new year. Bob Whittington, former business producer for ITN, put the manuscript to one side to tackle an in-depth study of the Bank of Credit and Commerce International. In the



book *Bankrupt*, Whittington and Nick Kochan, the co-author, consider the curious world of Agha Hassan Abedi, stars, and now restaurant entrepreneur. Gaydon, who runs Medialab, a film production company, has teamed up with Willie Robertson, an ex-Lloyd's broker, to open Willie's Place, a chic restaurant on the Fulham Road, southwest London. Robertson, who runs Robertson Taylor insurance brokers and counts David Bowie among his clients, attended Harrow with Gaydon, who has managed bands such as King Crimson and Emerson, Lake & Palmer. One of Robertson's more notorious stunts occurred one evening at Trump nightclub with Keith Moon, hell-raising drummer of The Who. "Keith said: 'there are 12 people eating fillet steaks. If you take your shoes and socks off, get on the tables and put your foot on all the steaks. I'll give you my business tomorrow,'" says Robertson, who promptly did so and won the account.

## Smells of...

YORKSHIRE and Northern Wool Growers, an important organisation in Northern sheep-farming circles, has launched an "own brand" range of after-shave capable of withstanding the worst extremes of British weather. The range includes Wet Gun Dog, Eau de Tom Cat, Old Welsh Sheep Dip, and Total Rejection.

## Four leave

STRANGE goings-on at County NatWest, where four market-makers out of a team of 28 have just been made redundant. The unhappy

group includes David Butler, who was appointed a director of CNW in May and claims to have been responsible for £1 million of trading profit between now and then. "We were told it was part of a reorganisation," says Butler, aged 29, who began his City career with Pinchin Denny, later taken over by Morgan Grenfell, and joined County after Morgan's demise in 1988. Also to go are David Taylor, Mark Hood and Andy Joad.

## Stamp of success

THE loss of his prized Harley Davidson motorcycle has not dampened the spirits of John Gaydon, manager to the stars, and now restaurant entrepreneur. Gaydon, who runs Medialab, a film production company, has teamed up with Willie Robertson, an ex-Lloyd's broker, to open Willie's Place, a chic restaurant on the Fulham Road, southwest London. Robertson, who runs Robertson Taylor insurance brokers and counts David Bowie among his clients, attended Harrow with Gaydon, who has managed bands such as King Crimson and Emerson, Lake & Palmer. One of Robertson's more notorious stunts occurred one evening at Trump nightclub with Keith Moon, hell-raising drummer of The Who. "Keith said: 'there are 12 people eating fillet steaks. If you take your shoes and socks off, get on the tables and put your foot on all the steaks. I'll give you my business tomorrow,'" says Robertson, who promptly did so and won the account.

JON ASHWORTH

## BUSINESS LETTERS

## Deal between Allied Breweries and Brent Walker no giveaway

From Mr Roy Moss  
Sir, We are faced with major changes to our industry which are not of our making, so it was with some concern that we read your editorial comment of November 21. May I make the following points:

We may be generous but we don't give our pubs away—to anybody.

Brent Walker through Pubmaster would pay a fair rent for our 750 properties depending on the final agreed legal terms, hence the suggestion that "not a penny will be paid" by Brent Walker is unfounded. The supply agree-

ment would be for seven years but you omit that it would be non-exclusive.

The houses which would be going to Pubmaster are spread broadly across the North, the Midlands and the South.

It is Brent Walker's estate from which we would be acquiring 50 houses and they are situated in the North East and East Anglia. These are areas in which we are less well represented.

Yours faithfully,  
ROY MOSS,  
Chairman & Chief Executive,  
Allied Breweries Limited,  
24 Portland Place, W1.

## UK oil and gas

From Rev Professor W. H. C. Friend  
Sir, It is necessary to continue to record the production of North Sea oil and gas as a separate entity from other British manufacturing?

In the years before World War I, when Britain produced some 230 million tons of coal annually and exported about half to world markets this was regarded simply as part of our manufacturing strength. Why now the difference? Surely we have got used to the idea that our oil and gas reserves are not merely a temporary bonus as claimed when the first oil arrived on shore in 1975, but are likely to last for as much as another century? The rise of 1 per cent in energy production should not be played down. It is apparently finding markets and this might suggest that the recession is ending.

Yours faithfully,  
W. H. C. FRIEND,  
The Clerks Cottage,  
Little Wilbraham,  
Cambridge.

## Pound's value

From Mr Peter Robeson  
Sir, Anatole Kalensky says all three main political parties have "repeatedly and unequivocally ruled out" the option of devaluing the pound in the ERM.

Would he please quote precisely when, by whom and in what context these promises were made? I confess to have missed them.

And is it now the case that such statements can be relied on any more than Sir Stafford Cripps' nine-times denial of his intention to devalue or Harold Wilson's repeated affirmation of the \$2.80 parity?

Yours faithfully,  
PETER ROBESON,  
Thatchers,  
Happisburgh,  
Norwich,  
Norfolk.

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## Former chairman of Equiticorp on trial for fraud

FROM REUTER IN AUCKLAND

THE former chairman of Equiticorp International, the defunct stock market raider, went on trial yesterday charged with fraud. The alleged offences relate to a complex \$327 million deal concluded one day before the 1987 share market crash.

The charges are against Alan Hawkins and his lawyer Robert Darvell. Both pleaded not guilty to charges of fraud and conspiracy. Mr Hawkins is now bankrupt but was once

worth more than NZ\$150 million. The case stems from an agreement by Equiticorp to buy the New Zealand government's controlling stake in New Zealand Steel through a share swap. New Zealand's Serious Fraud Office brought the charges in a preliminary hearing that is expected to last until after Christmas.

Equiticorp, once one of New Zealand's largest companies and former owner of Britain's Guinness Peat

Group, has been in statutory management, a form of receivership, since early 1989. Willy Young, for the prosecution, told the court that Mr Hawkins and Mr Darvell intended Equiticorp to take the government's New Zealand Steel shares in exchange for 93 million Equiticorp shares worth NZ\$327 million.

The government, not wishing to be a long-term holder of Equiticorp stock, required an underwriting arrangement in which Burt Wilson, an investment bank, accepted an obligation to find a buyer for the shares at the same price.

Burt Wilson, in turn, insisted on acceptance by two Hawkins companies of an obligation to place or buy the shares at the same price before October 20, 1988. Mr Hawkins and Mr Darvell did not disclose in detail what Mr Young called their "grand strategy" to the Equiticorp board. The share crash meant the implications changed radically, he said.

Mr Hawkins and Mr Darvell then used Equiticorp money to buy the New Zealand Steel shares. Their action was detrimental to Equiticorp, but for Mr Hawkins's commercial benefit, Mr Young alleged.



Hawkins: hit by crash

## CSR interim result slides to Aus\$110m

BY OUR CITY STAFF

CSR, the Australian sugar and building materials group, reported net profits of Aus\$110 million (\$49 million), before extraordinary items, for the six months to end-September, down from Aus\$206 million.

The company added that its net profit for the full year is certain to be below Aus\$200 million (Aus\$326 million) "and may be well below", depending on trading during the rest of the year.

CSR denied, however, that it had an interest in Czarnikow, the privately owned London commodities broker, following market talk on Friday that it had bought a stake in the brokerage.

Bill Bennett, CSR deputy managing director, said: "At present we have no stake in Czarnikow." But he had no comment on whether CSR was considering buying a stake.

He said Czarnikow had been CSR's sugar broker for 100 years and that rationalisation in the commodity brokerage industry had in some cases resulted in equity

links between commodity companies and brokers.

"We have been talking with them [Czarnikow] about developments [in the industry]. We cannot say anything more than this," Mr Bennett said.

Ian Burgess, managing director, said the fall in half-year profit was expected. He said: "The reasons for the decline in profitability are the recession and a pervasive lack of consumer confidence in Australia and the United States, together with low world prices for sugar and aluminium."

He added that CSR had taken steps to cut costs by reducing or closing production. "The position has now been reached where we are faced, in many businesses, with the dilemma of how best to make further adjustments without compromising the company's ability to take advantage of the inevitable recovery," he said.

CSR cut its interim dividend to 10 cents from 16 cents a year earlier. Sales fell to Aus\$2.22 billion (Aus\$2.44 billion).

## Adsteam payout 'unlikely'

BY OUR CITY STAFF

THE Adelaide Steamship Co is unlikely to pay any dividends before its refinancing plan expires in June 1996, shareholders heard at yesterday's annual meeting.

Ken Russell, Adsteam's chairman, told the meeting: "Regrettably, it is indisputable that shareholders are unlikely to receive dividends from the company while the arrangements contemplated by the plan are in place."

The chairman said company bankers had agreed to continue facilities until June 1996, provided Adsteam complied with conditions and operated within acceptable business plans.

He added that the refinancing plan was almost in place, with just one of the banks to its 48.7 per cent-owned David Jones Ltd yet to approve the scheme.

Adsteam announced a net loss of Aus\$1.36 billion (\$600 million) for the year to June 30, mainly due to investment write-downs and losses, compared with a \$220 million profit the previous year.

Mr Russell said sales for Woolworths Ltd, the retailer, in the current financial year were higher than those of the corresponding period last year. Woolworths is a 100 per cent subsidiary of Industrial Equity Ltd which is owned in equal parts by David Jones, Adsteam and Tooth and Co Ltd.



Music of the future: Neil Robinson expects a "further significant improvement" at Yorkshire this year

## Metro sounds upbeat note

BY PHILIP FANGALOS

METRO Radio sounded a confident note on prospects for advertising revenue at its recently acquired Yorkshire Radio Network subsidiary, despite suffering a 22.8 per cent decline in full-year taxable profits.

The USM-quoted commercial radio group, which is based in Newcastle, suffered a fall in pre-tax profit from £2.19 million to £1.69 million in the year to September 30. Profits were weighed down by

a net interest charge of £239,000 (compared with investment income of £496,000 last time) as a result of the acquisition of YRN. Trading profits climbed from £1.7 million to £1.93 million, on turnover ahead by 53 per cent to £12.8 million.

Metro's local advertising revenue increased in every station, rising by 6.5 per cent across the group to £7.1 million, although national revenue fell by 8.7 per cent. Neil

Robinson, the chairman and chief executive, said the groundwork on Yorkshire had been done and a "further significant improvement" in its performance was expected this year.

Earnings per share fell to 7.2p (15.3p), with fully diluted earnings of 7.2p (14.3p). The final dividend is maintained at 3.5p, making an unchanged total of 5p for the year. The shares were steady at 185p.

## Lionheart receives cash boost

LIONHEART, the consumer products and storage systems supplier, is to receive a £2.5 million cash injection from The Newell Company, of America, in return for a 4.8 per cent equity stake in the group. The cash from Newell will be used for acquisitions, the company says, and one deal is already under consideration.

Newell will subscribe for 9.34 million new shares at 26.5p each, which was Lionheart's middle market price on Friday, and has agreed not to take its stake above 20 per cent in the next five years without Lionheart's consent. Newell makes and distributes high volume hardware, including cookware and glassware, and industrial products. Annual sales exceed \$1 billion.

Paul Lever, Lionheart's executive chairman, said Newell's involvement would help the group develop its activities in low-price basic home products.

## Playtime helps JLI rise to £1.14m

BY OUR CITY STAFF

IMPROVED margins and reduced interest costs helped JLI Group, the food processing and distribution company, lift pre-tax profits by 19 per cent to £1.14 million in the six months to end-September.

Earnings per share rose from 3.2p to 3.6p and shareholders collect an interim dividend of 1.5p against 1.43p. Yoav Gottesman, chief ex-

ecutive, said the profits improvement reflects the group's decision to focus on value added food processing activities, resulting in "higher margins and better returns".

JLI also benefited from a small contribution from July's acquisition of Playtime, the leading supplier of packaged nuts and popcorn to retailers and cinemas. Mr Gottesman expects Playtime,

which holds the sole rights to distribute fresh popcorn to Cannon and Odeon cinemas,

to make a "very significant contribution" for the full year.

Turnover, reflecting discontinued activities, declined from £45.3 million to £40.2 million. Operating margins improved from 4.2 to 4.4 per cent.

Reduced borrowings and lower interest rates led to a

fall in interest costs from £964,000 to £617,000.

In July, JLI made a one-for-two rights issue at 87p a share, raising £7.75 million, to fund the acquisitions of Playtime and Langwood, a vegetable supplier. JLI's gearing stood at 30 per cent at the last year-end, and Mr Gottesman expects it to finish at a similar level at the end of the current financial year.

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## LEGAL APPOINTMENTS

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#### CORPORATE TAX to c. £45,000

Our client, an expanding City practice, is seeking a solicitor with 2-3 years' p.q.e. to join its Tax Department. The client-base is strongly international and covers both the commercial and industrial sectors. Deborah Nicol, LL.B. Ref: 14011

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This major City firm requires an experienced pensions lawyer, probably with around 3-5 years' p.q.e., to handle the full range of pensions work for blue-chip clients. The quality of work and prospects will be excellent. David Jermy, LL.B. Ref: 13091

#### EEC/COMPETITION to c. £43,000

Our client is one of the most highly-regarded of medium-sized practices in the City, boasting a superb client-base. The firm now seeks a young EEC lawyer, ideally with 1-3 years' p.q.e., to join its rapidly-expanding EEC unit. David Jermy, LL.B. Ref: 13848

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114	84	Trizan Europe	100	...	...	...
358	213	Ultimar	352	- 3	10.5	4.2
197	102	Woodside	187	...	...	...
		1% XCL Sunrise	3%	...	...	...

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Abaca Group	2
Alfa Laval	18

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# A law to close the doors



Viraj Mendis, perhaps the best-known would-be political refugee, took sanctuary in a Manchester church for two years, but was deported

The introduction of special legislation on refugees is normally a welcome indication that a government has come to realise the importance of incorporating the substance of its international legal agreements into domestic law. Such a move is usually a sign, too, that a government appreciates that refugee protection is a special issue that cannot be dealt with adequately within the context of immigration law.

Regrettably, this is not the case with the new British asylum bill, which comes before the Commons for its second reading today. Rather than upholding the international obligations to refugees laid down in the 1951 United Nations Convention, to which Britain is a party, this new legislation is intended, if not to prevent, then to make infinitely more difficult the access of refugees to asylum procedures on British shores.

The rules fail to take account of the kinds of conditions under which people flee persecution, the very conditions that the 1951 convention anticipated.

The government maintains that the bill would strengthen safeguards for genuine refugees but curb the scope for abuse by others.

In my view, instead of protecting the right of asylum, the provisions of the bill will systematically undermine refugee protection. The bill concentrates on preventing access to asylum procedures and also fails to introduce into domestic law the other rights of refugees enshrined in the 1951 convention. It marks a backward step in law and practice.

Although most asylum-seekers reaching these shores come from states notorious for their violence and human rights abuses, this asylum bill assumes their claims to protection are bogus.

The bill has been drafted in a climate of heightened xenophobia. Racism has always been an element in attitudes towards refugees.

In 1939, Norman Angell

## The asylum bill, debated by MPs today, will make entry more difficult, Barbara Harrell-Bond writes

and Dorothy Buxton, the authors of *You and the Refugee: the Moral and Economic of the Problem*, argued for a more positive view of Jewish asylum-seekers by appealing to anti-black sentiments among the British public.

They suggested that the immigration of Jewish European stock would renew the "white Empire" and revive prosperity in the face of its "extinction" threatened by its declining population and the black "tide" that was "flowing back from the Empire".

If the real implications of this much debated bill and the government's underlying intentions are to be understood, the legislation must be looked at with the proposed new immigration rules and new appeals procedure rules.

A primary objective of the bill seems to be to prevent access to asylum procedures. It does this by increasing fines on airlines to £2,000 for every passenger leaving his or her country without proper documentation. It extends the fine to include passengers passing through Britain to another destination.

A large obstacle for asylum-seekers is that many of the countries that produce refugees do not observe the fundamental right to leave and return to one's country. However, even where an official exit document is not required of a departing citizen, it is highly unlikely that refugees fleeing persecution can obtain a passport from authorities in the capital city.

Article 31 does refer to refugees "coming directly from a territory where their life or freedom was threatened".

It is ironic that in many cases in the past an asylum-seeker's possession of legal documents was taken as evidence that the claim for refugee status was abusive.

How else could one obtain an official passport in, say Sudan, without having some standing?

Article 31 does refer to refugees "coming directly from a territory where their life or freedom was threatened".

More callously still, some have argued that if persecution is specific to a location, the persecuted person should have uprooted himself from that region of the country of persecution and found an alternative safe hiding place from which, presumably, the authorities would have more difficulty in running him to earth. Such thinking is hardly in accordance with the international obligations that Britain accepted when it signed the convention.

The fast-track provisions of the asylum bill, which the government says are aimed at speeding up the appeals procedure, further jeopardise the asylum-seeker who has managed to get to Britain.

The particularly iniquitous proposals are the ones that applicants should have only two days to lodge an appeal from the date on which the

Home Office posts a refusal notice, and that applicants refused will not have access to Home Office statements sent to the adjudicator who will have power to decide whether or not to allow an oral hearing. Even if the number of days is extended, as has been proposed, the appeal provisions are contrary to natural justice.

The withdrawal of housing facilities for asylum-seekers with or without families will only add to the misery of new arrivals, who will be forced into sub-standard private rented accommodation, further enriching those landlords exploiting the refugee "market". Alternatively, when an outraged public deplores their being homeless, this will justify the detention of even more refugees.

The new asylum bill, if enacted, marks a sad decline in humanitarian standards in Britain.

Dr Harrell-Bond is the director of Oxford University's refugee studies programme

ened", and this is a grey area that has allowed some governments to refuse asylum to applicants who have crossed another country.

There are good reasons for many who seek asylum not to do so in a neighbouring country. There are too many specific cases that can be cited where, however well intended, the government cannot provide protection.

For example, many Zairis in Zambia were found by the local office of the High Commissioner for Refugees to be on a hit list and their government's agents were hunting them down. Malawian refugees in Zambia have been found murdered. Other countries have secret or not-so-secret agreements for handing asylum-seekers back to their countries of origin. A recent case concerned Burmese students in Thailand.

Even in cases of direct arrival from the country of persecution, officials have argued that a person in fear of his life would more logically have slipped over the nearest border.

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## When the choice is religion or work

THE Metropolitan Police and PC Nigel Brown have recently settled an industrial tribunal case that had raised difficult and important issues about employees' rights not to be required to work hours in conflict with their religious beliefs. PC Brown is an Orthodox Jew, and so did not wish to work on a Friday night or on a Saturday, the Jewish sabbath.

On settling the case, the Metropolitan Police said its policy was that so far as was reasonably practicable it would not demand that officers work shifts that clash with their religious obligations, whatever their religion.

This is not a new problem in English law. In 1977, a Mr Ahmad, a devout Muslim and a schoolteacher in London, wanted to have time off work every Friday to attend prayers at a mosque. The Inner London Education Authority declined his request and he resigned in protest. The majority of the Court of Appeal held that he had not been unfairly dismissed. Lord Justice Scarman dissented. He argued that "room has to be found for teachers and pupils of the new religions" and so "the system must be made sufficiently flexible to accommodate their beliefs and observances". He concluded that domestic law had to be construed consistently with article 9 of the European Convention on Human Rights, which guarantees freedom of religion.

Thereafter, Mr Ahmad went to the European Commission of Human Rights in Strasbourg. The application was dismissed. The commission said that the authority was entitled to require employees to be available for work under the contract at all hours of the working day.

Unlike Mr Ahmad, PC Brown brought his claim under the Race Relations Act 1976. This prohibits less favourable treatment of employees on racial grounds, defined to cover "colour, race, nationality or ethnic or national origins". The act does not specifically prohibit discrimination on the grounds of religion.

In 1983, in a case about a headmaster who refused to allow a pupil to attend school wearing a turban, the House of Lords accepted that Sikhs had sufficient shared characteristics of a cultural, historical and geographical nature to make them an ethnic group. They were, therefore, protected against race discrimination under the 1976 act. The Law Lords approved a similar decision of the New Zealand Court of Appeal affecting Jews.

In 1988, the Court of Appeal held that Gypsies were an ethnic group under the 1976 act. Earlier this year, the Employment Appeal Tribunal, by a majority decision, reached a different conclusion on

Rastafarians. So there was no jurisdiction under the 1976 act to consider a Rastafarian's claim that he had been refused a job as a van driver because he declined to cut his hair because of his beliefs.

If a racial group is involved, the crucial issue under the Race Relations Act is whether it is indirect discrimination to require a person to work hours inconsistent with his beliefs. The concept of indirect discrimination covers a policy or practice that treats all employees in the same way but which has a disparate impact on one race and when the employer cannot show that the rule is reasonably necessary for business or operational reasons.

Of course, some will try to abuse religious freedoms. In 1968, the American district court rejected an argument that a criminal law defining drug offences was an unconstitutional infringement of the free exercise of religion because

Chief Justice Burger, of the Supreme Court, had made it a religious duty to take drugs. A similarly unsympathetic response was made by the American federal court to the complaint of a prisoner, Harry Thierault, also known as Shilo, or the Bishop of Tellus, that his religious freedom as the founder of the "Church of the New Song" was infringed by the refusal of the prison authorities to supply him with steak and wine.

The move towards a multicultural society requires employers and others to accommodate those who sincerely wish to preserve their traditions but also want to earn their living in a secular society.

There may, however, be contexts in which the man who prefers to comply faithfully with his religious obligations must acknowledge that this will prevent him from playing as full a part in secular affairs as he otherwise might.

Because of the risk of an indirect discrimination claim, any employer faced with this problem should adopt a code providing that employees' religious requirements will be accommodated so far as it is reasonably practicable to do so.

The 1972 amendments to the American Civil Rights Act adopted a similar approach. Employers must "reasonably accommodate" the religious observance or practice of an employee or prospective employee, so long as this can be achieved "without undue hardship" to the employer's business. What English law does not provide, and cannot provide, is an absolute guarantee that an employee must avoid making demands that conflict with the employer's religious beliefs.

The author is a practising barrister and a fellow of All Souls College, Oxford



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## Builders in fear

MORE noises from Europe: the UK construction industry is growing increasingly worried that the European Community's construction products directive will be applied retrospectively by the European Court at potentially enormous cost to building contractors. The retrospective application could result from delays by the government in implementing the directive and would mean that materials that are put into buildings now but fail subsequently to meet European standards would have to be replaced.

The directive became European law in June, but will not be law in the UK until the end of December. Lawyers agree that the ambiguity represents a potential catastrophe for contractors.

### Court claim

MARK HUMPHRIES has contested Richard Slowe's claim (Inns and Outs, last week) to be the first solicitor to appear robed in open court in a High Court case other than libel. After a four-day hearing in chambers in January 1988 before Mr Justice Hirst, Mr Humphries appeared in open court with the judge's leave to take judgment. This was also

## INNS AND OUTS

In the Queen's Bench Division, Mr Humphries, an assistant solicitor with Linklaters & Paines, recalls: "I appeared as advocate, and not as junior. There were three junior counsel appearing for other parties."

### Pay protest

DEVON solicitors are thought to be the first in the UK to take industrial action over legal aid rates. The local Law Society has voted to

withdraw from the 24-hour duty solicitor scheme, which services police stations, and also from the court duty



withdraw from the 24-hour duty solicitor scheme, which services police stations, and also from the court duty

solicitor schemes, early in the new year. Chris Over, the society's spokesman, says: "Criminal practitioners have for many years worked under the burden of unsocial hours, bad working conditions and decreasing pay."

### New guidelines

LAWYERS in the United States have reported an increase in the number of child sex abuse allegations raised in divorce cases, although many believe the allegations may be false and introduced for tactical reasons.

Marsha Elser, the first woman president of the American Academy of Matrimonial Lawyers, has called for better methods of finding the truth behind such claims in order to protect children and the subjects of false allegations.

Three-quarters of the lawyers at a recent meeting of the association said they had seen an increase in sexual abuse claims and that they believed at least half were without substance. Family lawyers have also passed new guidelines requiring them to disclose evidence of actual and child abuse, overriding

confidentiality and lawyer-client privilege rules. Similar guidelines have been produced by the UK Law Society, but they permit a breach of confidentiality only in extreme circumstances.

### Fair days

NEXT year's Law Fair, at the Business Design Centre, north London, on February 6 and 7, is being supported for the first time by the Institute of Legal Executives. The institute, which has more than 20,000 members, says it represents a growing area of the legal profession. "We consider ourselves the main representative body for non-admitted lawyers," a spokesman says. "We are not paralegals, who assist with legal matters. We are lawyers doing legal work."

The training lasts six years and the institute claims to be the UK's largest provider of legal education, other than the Law Society. The institute is likely to assume even more importance from 1993 when it will be the only route by which non-graduates can become solicitors. The other sponsors of the two-day fair, organised by London University's careers advisory service, are The Times, The Bar and the Law Society.

Further details: Vivien Charvonia (071-383 2804) SCRIVENOR

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For further information in complete confidence, please contact Adrian Fox on 071-405 6062 (071-625 9417 evenings/weekends) or write to him at Quarry Dougall Recruitment, 9 Brownlow Street, London WC1V 6JD. Initial discussions can be held on a "no-names" basis.



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Greencore plc, the Dublin based holding company for one of Ireland's largest food groups, wishes to appoint a Company Secretary/Director of Legal Affairs.

Previously known as Irish Sugar plc, the Company was privatised earlier this year. 'Greencore' has annual sales in excess of IR£400m, principally in Ireland and the UK; employs over 2,000 people and plans to sustain the rapid growth it has achieved in recent years by further acquisitions in related industries principally within the EC.

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Lord Scarman concludes his articles on criminal justice with a plea for a review body

## Section 17 must be repealed

We must have a more effective, accessible and just procedure for reviewing cases in which miscarriage of justice has emerged or becomes exposed after trial and after appeal rights have been exhausted.

I believe that section 17 of the Criminal Appeals Act must be repealed. The section 17 procedure is essentially a reference by the Home Secretary to the Court of Appeal. Only the Home Secretary can refer a case. His power is to do so "if he thinks fit".

In practice, the Home Secretary refers only those cases in which, in his opinion, new matters of substance suggesting the possibility of a miscarriage of justice have arisen since conviction, and only after appeal rights have been exhausted. The Court of Appeal, however, reviews the whole case once it is referred. The court must treat the case as an appeal by the convicted person and has all the powers that it has in criminal cases.

The difficulties and delays of the section 17 procedure have been highlighted in the cases of the Guildford Four, the Maguire and the Birmingham Six. In all these cases, a reference was ultimately made and the convictions were ultimately quashed after years of struggle. Yet it had been obvious for years that there was in every case the possibility of the serious miscarriage of justice. In the end, this led the Court of Appeal to hold the conviction unsafe and unsatisfactory.

There are some disquieting features of the section 17 procedure. First, only the Home Secretary can refer the case. Second, although his power to refer is unrestricted except for the obvious need that he must "think fit" to do what he is doing, he accepts a departmental formula under which he will act only if there is a "new" matter of substance arising since

conviction. Third, when the reference is made, the case becomes an "appeal", and the appellant has to conduct an appeal governed by the Criminal Appeals Act.

The burden, financial and otherwise, of preparing such an appeal falls on an appellant, who will almost certainly have been in prison for a long time. Even if legal aid is granted, the handicaps this imposes on the so-called appellant and his legal advisers are formidable. The process may require a complex and difficult investigation more akin to work for a tribunal of inquiry and a manner of public importance than the conduct of a criminal appeal.

The review of a case in which miscarriage of justice is alleged to have emerged after time and after

unsuccessful appeal should not be an appellate process. What is alleged is a grave wrong done by the state to the complainant, which it is the duty of the state to investigate and, if it is proved, to correct. An inquiry into a matter of grave public importance, not merely an appeal, is needed.

The roots of the miscarriage of justice may lie beyond the field of fact that it would be admissible to traverse and examine in a criminal trial or appeal. Study of the Guildford Four and Maguire cases will show that questions can be raised and need answers on matters of fact that would usually be protected by professional privilege or public interest immunity, and would rarely be seen as relevant in an ordinary appeal.

I hope the Royal Commission on Criminal Justice will report in favour of the repeal of section 17 and the establishment of a court of review. I would hope that it would be a court of five with a Law Lord as its president and at least three lay members; that it would be accessible to applicants other than the Home Secretary, although he should also have a right



Lord Lane, head of the Court of Appeal. Is a review court needed?

of access; and that it would determine what cases falling within its jurisdiction it would hear.

The court's task would be to search for the truth and correct injustice if found. The task should be seen to be, and conducted as, an inquiry into a matter of grave public importance.

I have done no more than sketch in outline some proposals for reform that I hope will be considered in depth by the commission. I am pleased to think, and I certainly hope, that others will make submissions along the lines I have suggested.

Of the many detailed reforms I have seen suggested, I have no doubt that two are urgent:

• Prohibiting conviction on the strength of uncorroborated confession evidence; and

• The establishment of an independent scientific service available to all parties and to the court.

On the questions of principle, the priority must be to relax the adversarial system by the introduction of judicial control and supervision in the pre-trial period, and to create in place of the Court of Appeal a court of review with the duty to enquire into cases in which there are grounds to suspect a miscarriage of justice and with powers to quash any resulting conviction if it finds miscarriage.

## Inheritance works — with good will

The courts can overrule a will to the benefit of ignored dependants



Will Power, star of a Law Society brochure

The Law Society and the Charities Aid Foundation last month launched Make A Will week. Normally sober solicitors donned fancy dress and visited supermarkets and other public venues to woo potential clients. Intestacy was decried as a fate worse than death.

The implication of the Law Society's message was that testators' wishes are paramount. In all the attendant publicity, little or no mention was made, however, of the inroads to a testator's freedom brought about by the Inheritance (Provision for Family and Dependents) Act 1975.

Since that Act, an Englishman's home and, indeed, its contents are no longer his castle to dispose of in accordance with his testamentary wishes. The courts may intervene and redistribute any assets of the testator, thus ensuring that he may not, by his will, evade his moral duty to provide for those whom he has freely encouraged to depend on him before death. Any statutory intervention will obviously reduce the shares of the testamentary beneficiaries.

The Act is complex; in essence it allows a wide variety of dependants to apply for financial provision from the deceased's estate if they can show that the testator's will — or the statutory provisions relating to intestacy where there is no will — did not make reasonable financial provision for them.

Spouses: in some cases, former spouses who have not remarried, and children may make a claim whether or not the deceased was maintaining them at time of death. Cohabitants, mistresses and even friends may also make a claim but have the additional burden of proving they were being maintained by the deceased immediately before death. Interdependent parties and employees who receive maintenance in lieu of wages are excluded from the Act's ambit.

Spouses are treated more generously under the Act than other categories of ap

have argued that although the deceased may have been prepared to support an individual during his lifetime, he might not be willing for that burden to continue after his death to the detriment of those family members named as beneficiaries under his will. There is also the anomaly that an applicant may have a legal claim to maintenance on the death of a testator, which would not have been legally enforceable during his lifetime.

The task for the court is clearly exceedingly difficult. It may have to make up its mind on what is fair and right to do, in the context of a particular man whose life history is vague in regard to the possible competing interests of, for instance, a divorced wife, a widow, a mistress and children whose existences may have been unknown to each other before the reading of the will.

Despite the criticisms, there are grounds for statutory interference in testamentary dispositions. Those encouraged to be dependent on the testator before death have almost certainly come to rely on that support.

In many cases, dependants were not for the testator's financial hardship on the death of the testator and would be forced to rely on state support. Many daughters and co-habitants have been the devoted slaves of aging parents or partners, thus permitting them to remain in the comfort of their homes until death. The efforts of such people should not go unrewarded; maintenance is, at least, minimal compensation for their endeavours.

The Act serves to be brought to the attention of potential applicants and of those solicitors who have responded to the Law Society's drive to recruit new testators. Both, for different reasons, need to be fully aware of the limitations of making a will.

MARY WELSTEAD

Dr Welstead is a lecturer in law at the University of Buckingham

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ROUGE



## Anomaly in caravan site notice

Stoke-on-Trent City Council v Frost and Another

Before Lord Justice Dillon, Lord Justice Giddens and Lord Justice Stuart-Smith

[Judgment November 15]

Although a minimum period of four weeks notice was required to determine the right of gypsies to reside on a site provided by a district council, no notice at all was required on a site provided by a county council.

The Court of Appeal so held in dismissing an appeal brought by Norman Frost and Violet Frost against the decision of Mr Recorder G. C. Syler at Stoke-on-Trent County Court on July 12, 1990 finding as a preliminary issue in proceedings to determine his residential contract, that Linehouses Caravan Site, Stoke-on-Trent was not a protected site within section 1 of the Caravan Sites Act 1968.

On August 7, Judge Gibbs, stayed the proceedings for 28 days such stay to remain in force until any appeal had been disposed of.

Mr Christopher D. Ellison for the Frosts; Mr Nicholas Huskinson for the council.

LORD JUSTICE GIDDENS said that it was argued on behalf of the Frosts that there was some absurdity in the situation where, if a district council provided a caravan site for gypsies the site was protected but if a county council provided the site it came within paragraph 11A of the Caravan Sites and Control of Developments Act 1960, as inserted by the Local Government, Planning and Land Act

1980, and the site was unprotected.

It was submitted that the unfortunate caravan occupier might not know which local authority owned the site and was thus unable to know with certainty whether there was protection.

Moreover, it was argued that the position after the Caravan Sites Act 1968 came into force was that a county council which provided a site, not being a local authority as defined in the 1960 Act, was required to obtain a site licence from the district council. That situation existed until 1980 when section 176 removed that requirement by inserting section 11A.

It was finally argued that if Parliament had intended sites occupied and provided by a

county council under the 1968 Act to be excluded from the protection of section 2 of the 1968 Act by virtue of the addition in section 176 of the 1980 Act it would have said so.

His Lordship said that so far as the last point was concerned, the argument was more compelling in the reverse. It was clear from the wording of the statutory provisions which had existed since 1980 that a gypsy caravan site owned and occupied by a county council was not protected within section 1(2) of the 1968 Act and accordingly no notice was required.

LORD JUSTICE STUART-SMITH agreed.

LORD JUSTICE DILLON said that he was persuaded at the procedural course and the time

taken in the case. It would have been better if Judge Gibbs, instead of granting a stay pending appeal, had merely granted a short stay and so an application for continuance of the stay would have had to have been made in the Court of Appeal shortly after the lodging of the appeal.

Whoever heard that application for continuance could have refused it if that was plainly right or directed that the appeal be expedited.

It was unfortunate that the Frosts should have achieved a stay of nearly 15 months from Judge Gibbs' order when the only issue was whether they should have had four weeks notice.

Solicitors: Bird & Bird for Beswick Moon & Co, Stoke-on-Trent; Mr Stewart W. Titchener, Stoke-on-Trent.

## Suing in state of domicile

Gasconne and Another v Pyrah and Another

The exceptions to the requirement in article 2 of the Convention on Jurisdiction and Judgments in Civil and Commercial Matters 1968, incorporated into English law by the Civil Jurisdiction and Judgments Act 1982, that persons domiciled in a contracting state should, wherever their nationality, be sued in the courts of that state, had to be construed in accordance with decisions of the European Court of Justice so as not to extend those exceptions beyond their proper limits, and not to derogate unduly from the

article 2 requirement. Mr Richard Southwell, QC, sitting as a deputy judge in the Queen's Bench Division, so held on November 13 in a reserved judgment given in open court after a hearing in chambers in which he allowed the second defendant's summons to set aside an order of October 9, 1990, and to strike out the second defendant's name from the plaintiffs' writ and statement of claim.

HIS LORDSHIP said that the plaintiffs sought to claim in the High Court damages against the second defendant, a wet resident in Germany, for breach of duty of

care and contract in his examination of a horse in France which they sought to acquire.

They were not entitled to rely on the Convention because: (i) the place of performance of the principal contractual obligation was Germany, (ii) the event causing damage occurred in Germany and the damage was incurred in France, and (iii) there was no real or substantial risk of irreconcilable judgments if the claim against the second defendant was tried in the German courts and the claim against the first defendant, domiciled in England, in the English courts.

LORD JUSTICE BUTLER-SLOSS said that the appeal raised a difficult question as to the way in which a large sum of damages awarded to the husband for serious injuries suffered by him should be treated in the application for financial relief made by the wife after a decree of judicial separation.

In 1981 the husband suffered injuries rendering him partially paraplegic. In 1983 he and his wife parted, the wife retaining the home, a rented council house. In

1985 she bought the house for £10,000, it then being valued at £24,500. In 1988 the husband received damages of £418,000.

The registrar granted the wife's application for ancillary relief and, having taken into account the award of damages but allowing a large discount for the fact that the husband's capital was derived from damages for personal injuries, made a lump sum order of £32,000 on the basis of a clean break.

The wife sold the council house and invested her capital in a new house. She had a modest lifestyle and no immediate need for a large capital sum.

The husband had bought a house that was adapted to his special needs. He had £70,000 on deposit and had invested in a club which had made a loss. His income was derived from state benefits and interest.

The judge held that the disability of the husband was the paramount consideration, and that the wife, being in no immediate need, should not be entitled to any lump sum payment.

In *Dunbagy v Dunbagy* (1976) Fam 267 the Court of Appeal held that an award of damages was not to be left out of account in considering section 25. But Lord Justice Scarman commented (at p277) that an order should not "deprive the spouse of all the benefit by way of compensation for loss of amenity and pain and suffering intended to be conveyed by the award of damages".

But that should not be taken as saying that no part of damages awarded under the head of pain

## Injury award a matrimonial asset

Wagstaff v Wagstaff

Before Lord Donaldson of Lynton, Master of the Rolls and Lord Justice Butler-Sloss

[Reasons November 19]

An award of damages for serious personal injuries to a husband was an asset that was to be taken into account by the court in determining a wife's application for financial relief under section 25 of the Matrimonial Causes Act 1973, as substituted by section 3 of the Matrimonial and Family Proceedings Act 1984.

The Court of Appeal so held in giving their reasons for allowing on November 4 an appeal by the wife, Joyce Wagstaff, from Judge Elgan Edwards' order in Manchester County Court in August 1990, whereby he reversed a registrar's decision to require the husband, Stephen Wagstaff, to make to her a lump sum payment of £32,000. The Court of Appeal reinstated the registrar's order.

Mr David T. Eccles for the wife; Mr M. P. Sylvester for the husband.

LORD JUSTICE BUTLER-SLOSS said that the appeal raised a difficult question as to the way in which a large sum of damages awarded to the husband for serious injuries suffered by him should be treated in the application for financial relief made by the wife after a decree of judicial separation.

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But that should not be taken as saying that no part of damages awarded under the head of pain

and suffering should be charged with the other spouse.

The reasons for the availability of the capital in the hands of one spouse, together with the size of the award, were relevant factors in all the circumstances of section 25. But the capital sum was not sacrosanct nor any part of it secured against the application of the other spouse.

Each case fell to be considered on its own facts. The concern raised by Lord Justice Scarman was most unlikely to arise other than in most exceptional circumstances.

The husband had severe and permanent injury and had received large damages. The judge had rightly treated his disability and his needs as very important. But he was to be criticised for treating the disability as the paramount consideration.

The marriage had lasted 12 years and the wife now had to

support herself with no future recourse to the husband. She lacked security and there was a disparity in the parties' relative positions even allowing for the husband's disabilities. The judge seriously underestimated the wife's position and his decision was plainly wrong.

THE MASTER OF THE ROLLS, agreeing, said that compensation was a financial asset which, like money earned by one spouse by working excessively long hours or in disagreeable circumstances, was, subject to human selfishness, available to the whole family before the breakdown of the marriage, and like any other asset was to be taken into account when the court came to exercise its power under section 25.

Solicitors: O. Collier Lister & Kilbey, Wilmshurst, Lister, Mans. Manchester.

## Clause not restricted

New Hampshire Insurance Company v Strahag Bas Aktiengesellschaft

[Judgment November 14]

"Jurisdiction in matters relating to insurance" in the Brussels Convention 1968, which had the force of UK law by virtue of the Civil Jurisdiction and Judgments Act 1982, meant what it said and was not restricted to insurance for domestic or private purposes.

Thus, under article 11 of the Brussels Convention the plaintiffs had to bring proceedings where the defendants were domiciled.

The Court of Appeal (Lord Justice Lloyd, Lord Justice Stuart-Smith and Lord Justice Stuart-Smith) so held in a reserved judgment on November 14 in dismissing an appeal brought by the plaintiffs, New Hampshire Insurance Company (suin) on behalf of themselves and their underwriters under a collective policy against the decision of Mr Justice Fothergill on February 9, 1990 when he ordered that the writ be set aside and declared that the court had no jurisdiction over the defendant who was domiciled in Germany.

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## Knowing the Right People

Knowing the right people is as useful to job-seeking as it is in all areas of life. But as in all areas of life it is never as simple and straightforward as it seems.

There are those who have an outstanding talent for using their contacts (or 'networking') to use the current term. They know how to meet the right people, and how to offer small favours in order to cultivate a distant but nonetheless ongoing and positive relationship. They have a keen sense of their contacts' place in his or her hierarchy (each favour has its appropriate level) and they know the limits of what can be asked. Above all, they have learnt that, if badly handled, the whole business can backfire.

It can certainly backfire when seeking a new position. One of our candidates,

an impressive commercial lawyer with a large firm in Leeds, asked us to mention to the senior partner of the firm he was seeing that the partner had been one of his tutors at university. He felt sure this would assist his application. The senior partner did, of course, remember him: he had made his mark as one of the heaviest beer-drinking students in his year.

Contrary to general expectations, it usually doesn't help to mention that a candidate is known to a member of the firm. We have greater success with those candidates who are not known. They get the full benefit of the 'halo' effect. (The interviewer is keen to fill the job. If a candidate has some of the qualities required, the interviewer - ever hopeful - is quick to see all the other qualities he is looking for.) Michael Chambers

## INDUSTRY &amp; FINANCE

Senior Commercial: London

Experienced commercial lawyer, solicitor or barrister, ideally late 30s, to head up divisional legal dept in well-known public co. £60,000 + car

Finance: City Well-known financial organisation seeks lawyer with commercial experience, ideally inc. PSA work. £35,000

Commercial Lawyer: Midlands Hi-tech co seeks lawyer with at least 2 yrs' exp. to handle joint ventures & acquisitions. £35,000 + car

Tax Lawyer: South East Tax lawyer with sound commercial acumen to handle international work. £60,000

For details, please contact Sonya Rayner or Jane Tyndale

Commercial Lawyer: London

Lawyer with 1-2 yrs' exp. for well-known business company to handle a broad mix of commercial work. Extensive European travel.

Para-Legal: London Opportunity to join major company to handle risk management and administration. £25,000

Swaps: City Solicitor or barrister with exp. in swaps negotiation for major international bank. £30,000 + benefits

Finance: City Opportunity for part-qualified legal executive to handle debt-collection work. £17,000

## SOUTH, MIDLANDS &amp; NORTH

Planning/Environmental: Yorks Solicitor, 1-3 yrs qualified, to join thriving team within major commercial firm. Excellent training opportunity.

Company/Commercial: Berks Commercial lawyer (City background preferred) sought by expanding specialist commercial practice.

Insolvency Litigation: Oxon Dynamic litigator, minimum 2 years' experience, to join insolvency dept of major commercial practice.

Contacts: Helen Mills (South), Lauren Cochrane (Midlands), Alison Diamond (North)

Property/Commercial: East Mids

Solr, NQ-4 yrs qual, to join busy expanding firm. Initially, mix of property & general co/comm. Opportunity to specialise later.

Commercial Litigation: Avon Leading city-centre firm seeks solicitors, NQ-2 years qualified, to handle range of insolvency, fraud & intellectual property.

Litigation for NQ: West Midlands Major firm with international practice seeks young solr for High Ct & County Ct. Opp for Sept '91 or March '92 qualification.

## LONDON &amp; OVERSEAS

Commercial/Insurance Law

Medium-sized City firm seeks solr for broad range of non-contentious insur work for Lloyds underwriters & brokers, insurance co's, etc.

Partner Designate: City Medium-sized City firm seeks 3-7 years qual solr to handle corporate finance work. Important role is to look after major clients.

Commercial Lit: Hong Kong Top City firm seeks 1-4 year qual solr to handle general commercial litigation in their HK office.

PARTNERSHIP POSITIONS... We have been advising partners on career development for over ten years, and understand their requirements. We also know the importance of total confidentiality.

Construction Litigation: City

Highly successful niche firm with international clientele seeks 1-4 yrs qual litigator for construction (& some general commercial) lit.

Portuguese Speaker: City Leading City firm seeks young commercial lawyer to handle broad range of commercial work for clients in Portugal & Brazil.

English Lawyer for Paris Marvellous opportunity for young English commercial lawyer to join leading Paris firm.

Commercial Litigation: City Expanding City firm with impressive public co clients seeks 1-3 yrs qualified litigator. P'ship prospects.

For details, contact David Woolson or Rachael Whittington-Raper

## Chambers

CHAMBERS &amp; PARTNERS: PROFESSIONAL RECRUITMENT

LONDON: 071 - 606 9371 (Fax: 071 - 600 1793)  
74 Long Lane, London, EC1A 9ET (near Barbican tube)

MANCHESTER: 061 - 228 2122 (Fax: 061 - 228 2213)  
53 Princess Street, Manchester M2 4EQ (opp Town Hall)

## whiteheadselection

## Divisional Legal Advisor/Secretary

European Language Skills

East Anglia

Competitive Salary Package

The consumer products division of a well-known UK plc needs to appoint a high-calibre Legal Advisor/Secretary to deal with all legal, contractual and administrative matters relating to its businesses in Europe and North America, including potential acquisitions.

Specific areas of responsibility will include:

- Drafting of commercial agreements and contracts.
- Protection of the Division's intellectual property.
- Advising line-management on land and property issues.

The successful candidate is likely to be a graduate with a legal or ACIS qualification followed by several years in the commercial sector, ideally with international manufacturing and consumer goods experience. He/she must be able to gain rapid credibility with country management at all levels by combining a positive personality with a proven professional track record. A working knowledge of French and/or German will be distinctly advantageous.

The position offers a competitive salary package and the opportunity to join a business that is committed to international growth. Some overseas travel will be necessary. For 504

Write with CV and current salary to Nigel Bates, Whitehead Selection Ltd, 43 Walbeck Street, London W1M 7HF.

A Whitehead Mann Group PLC Company.

## whiteheadselection

Banking - 1 to 5 years Qualified - to £20,000  
Medium sized City firm with a rapidly developing banking department requires a solicitor with experience to handle: secured lending, leasing, special project finance, acquisition finance, refinancing etc. The prospects and quality of work make this an attractive position.

Information Technology - 2 years + Qualified - £23,000 +  
Leading Intellectual Property/Information Technology department in a City firm requires a solicitor or barrister from a renowned IP/IT firm or chambers to handle a range of contentious and non-contentious work. The firm has a substantial domestic and international presence.

Commercial Litigation - 1 to 2½ years Qualified - to £26,000  
Small but dynamic City firm requires an additional assistant with experience of sale of goods, warranties, commercial contracts and insolvency litigation. Ambition and an ability to instil confidence in clients are very important factors.

Commercial Conveyancing - 3 to 4 years Qualified - to £25,000  
Large City firm with a substantial property department requires a solicitor from a good City/West End property firm to handle general commercial property work on behalf of a major client of the firm. Position has arisen because of an increase in work.

Commercial Litigation - 2 to 4 years Qualified - £27,000  
A medium sized City practice seeks an additional solicitor to join its strong commercial litigation department. The work involves a very general range of disputes arising from large cross border transactions to professional indemnity matters. Long term prospects are excellent in this friendly and well managed practice.

Company/Commercial - Partner Level - £28,000  
A medium sized practice based in WC1 requires an additional partner to join its company department which is experiencing an increase in work. The firm has a PLC client base and is looking for a solicitor who can bring a good following to further develop this department.

Company/Commercial - NQ - 2 years Qualified - to £38,000  
A large City practice with a sizable company department seeks a newly to 2 year qualified solicitor to join one of its corporate groups handling predominantly large private company work. Excellent working environment and training.

Private Client - Partner Level - to £100,000  
A small profitable commercial practice seeks a partner to coordinate the private client/personal tax matters currently handled by separate partners of the firm. A following is not essential (though helpful) as the firm already has considerable work in this area.

## Garfield Robbins

Legal Recruitment Consultants, 21 Bloomsbury Way, London WC1A 2TH  
Nicholas Robbins or Gavin Crocker on (071) 405 1123 or evenings (081) 646 4955

## HAMMON &amp; CO

HINKLEY

This is an exceptional opportunity for a bright "switched on" Solicitor with Magistrates Courts' emphasis to progress a small Branch Office in an expanding market town.

## COVENTRY

Litigation Solicitor of Legal Executive required for substantial case load of P.T. and Magistrates Court work.

On offer for these posts is an attractive remuneration package commensurate with age and experience together with partnership prospects.

C.V. Initially to Lloyds Bank Chambers, 53 Corporation Street, Coventry, CV1 1GL Marked "Private CA".

مكتبة الامم المتحدة



# Test the water business for a bigger splash

Water companies are a rare species — unlike other sectors of the British economy they are making big investments in their business, and are recruiting strongly to meet the needs of expansion.

Anglian Water has a £4 billion, ten-year capital investment programme. Geographically, it is the biggest water company, its area stretching from the Humber to the Thames, from Norfolk to Northampton. East Anglia has a rapidly expanding population, and the water company predicts that the number of customers there, 5.5 million, will increase greatly by the year 2000. Anglian Water is one of the few water companies that is expanding because of area growth rather than the need to improve the existing infrastructure for the same customer base.

In the past, water authorities depended heavily on the services of sub-contractors for engineering projects. Most of the new water companies, faced with a large and varied capital programme, have decided to build on the core of their engineering team to cope with the workload. This will enable them to set standards and produce the quality of service that their new status requires. Expansion plans mean that more engineers are needed. Chris Linnets, the personnel manager, explains: "We were faced with the challenge of recruiting 100 engineers during this financial year and a slightly smaller number in 1992-3. The time involved in a recruitment programme of this size would have prevented our engineering and personnel people from getting on with their daily work."

The solution was to engage an outside

**Widget Finn finds that since privatisation, water companies offer good opportunities and, as they expand, are eager to hire the right people**

recruitment consultancy, Macmillan Davies, based in Hertford. A three-phase recruitment campaign has been started, initially with advertisements in national and local newspapers and moving on to using trade media. This, predicts Graham Dunning, the director of projects at Macmillan Davies, will produce a smaller but better focused response.

Anglian Water plans to fill a wide range of technical and professional posts, including assistant and senior engineers on the design service side, and clerks of the works and construction managers. Large-scale redundancies in the building and construction industry have swelled the number of experienced professionals in the job market. As Mr Dunning explains, however, the industry has specialised needs.

"We need to attract civil engineers with experience of working in water-related organisations," he says, "although there are projects involving structural steel and reinforced concrete that demand a range of skills already deployed in other industries."

Wessex Water, covering Avon, Wilt-



Mike Charles, an electrical engineering graduate, joined Wessex Water and is working on a sewage project

shire, Dorset and Somerset, has 2.2 million customers, a number that increases at holiday time. With a £140 million budget this year to update the infrastructure, the company is handling its own recruitment programme.

Bobbie Stainthorpe, the company's personnel manager, says: "Wessex Water has been recruiting consistently over the past 18 months, and we have put a lot of effort into graduate recruitment. The calibre of candidates has improved enormously, but there is still a great shortage in the electronics and electrical engineering areas."

Water companies are competing in the jobs market with consulting engineering practices, which often offer higher salaries. But, says Ms Stainthorpe, the water companies can give engineers a greater breadth of managerial experience and the opportunity to achieve career status.

These were the factors that attracted Mike Charles to Wessex Water rather than a job in industry. Mr Charles, who is 23, graduated from Leicester University with a degree in electrical engineering. He joined the water company as a design engineer and is working on modifications and installations to a

sewage works project. He is half-way through his training to become chartered with the Institute of Electrical Engineers.

"Typically," says Mr Charles, "an engineering graduate stays in one position with little responsibility or has a whistle-stop tour of a number of departments during the two-year training period."

Mr Charles is getting wide working experience, including a chance to exercise some legal skills. He has to draft the contract for external companies involved in the project.

*'The changing work offers exciting openings; instead of using the methods and equipment used in the past, we are pioneering some new approaches'*

The stability of an industry that provides an essential service to the community makes a pleasant change for anybody who has had first-hand experience of the problems which are affecting other sectors.

Mike Stainthorpe joined Anglian Water as a senior engineer six months ago after ten years in manufacturing. He was attracted by the security of the organisation, and the opportunities for promotion and movement inside the industry. He has found that in an expanding company such as Anglian Water, there is a strong emphasis on training and on-going development through to the senior levels.

Mr Charles confirms that for new graduates or established engineers, this is a good time to go into the water industry. The advent of privatisation and the large amounts of money being spent on expansion means the industry is at a challenging stage.

"A changing environment offers exciting opportunities in engineering," says Mr Charles. "Instead of using methods and equipment used in the past, we are pioneering new approaches."

071-481 1066

## PUBLIC APPOINTMENTS

FAX 071-782 7826

**BROOMLEIGH**  
Housing Association

### Director OF FINANCE

£50,000 + car

Broomleigh Housing Association is a new independent association, initially sponsored by the London Borough of Bromley, which will acquire the Council's stock of approximately 12,500 homes. It will be one of the largest housing associations in the country, with by far the largest portfolio of social housing in the Borough of Bromley. Annual turnover in Year 1 is expected to be in the region of £30 million, with total capital borrowing of approximately £200 million.

A qualified accountant with substantial senior management experience is sought for this vital post. The Director of Finance will play a major role in the overall management and control of the new Association. He/she will be responsible for all areas of the Association's complex financial activities, reporting to the Board and to the Association's funders.

Applicants will need to demonstrate:

- a highly successful financial management track record;
- experience of private sector borrowing and capital markets;
- strong management and communication skills;
- an appreciation of social housing issues.

It is hoped that interviews will take place during the second half of December. Applications, with full curricula vitae, should be sent to: Johannes Holmes

**CHAPMAN HENDY ASSOCIATES**  
HOUSING CONSULTANTS

2 John Street London WC1N 2HJ  
Tel: 071-831 7170 Fax: 071-831 0554

Broomleigh Housing Association is an equal opportunities employer.

**DINAS CAERDYDD CITY OF CARDIFF**

### Director of Administrative and Legal Services (Deputy Chief Executive)

£42,837 - £47,121

plus car leasing and relocation package

Following the appointment of the present Director, Elwyn Moseley, as Commissioner for Local Government Administration in Wales, we are now seeking a suitably experienced individual to join the senior management team.

Managing a department of 78 and a budget of £1.4 million, your overall responsibility will be to advise the Council regarding the provision and management of Administrative and Legal Services. You will contribute to corporate decision making as well as act as Monitoring Officer and deputise for the Chief Executive when necessary.

A first class communicator, you must demonstrate an ability to manage a department facing the challenge of Compulsory Competitive Tendering. Capable of innovation, you should also have the necessary commitment to achieve goals.

Cardiff, the Capital City of Wales, is an exciting and dynamic City, constantly changing and developing. The City has a vision statement for the year 2000 conveying a clear image of where it will be and is committed to the role of responsive, strategic enabler.

If you feel you could lead with flair and energy, in return we are offering a competitive salary with an attractive benefits package including car leasing.

For further information regarding this opportunity, please telephone (0222) 822640 for an application form and information pack, quoting reference number 001, which should be forwarded by Monday 9 December 1991 to the City Personnel Officer, Cardiff City Council, 22nd Floor, Pearl Assurance House, Greyfriars Road, Cardiff CF1 3PU.

The City of Cardiff is striving to create an Equality Environment.

Applications are welcome from all persons. Please join us in this challenge.

## HEALTH CARE

### Physicist

Largest Radiation Therapy Center in Southwest Florida requests applications from individuals with a Masters Degree in Radiation Therapy Physics with one (1) year experience or a Bachelors Degree in Science with five (5) years experience. Experience in Computer Programming also required. Salary commensurate with experience. Send resume to Victoria Danton, Administrator, Radiation Therapy Regional Centers, 1419 S.E. 8th Terrace, Cape Coral, FL 33990.

### PAEDIATRIC SPECIALIST

Position Available immediately. Please apply in writing with resume to:

S.A. Tomlinson MB BS  
FRCS LRCP,  
Professional Medical Centre  
PO Box 273 G  
Grand Cayman  
British West Indies

## LEGAL APPOINTMENTS

### THE CHAMBERS OF M.D.L. WORSLEY Q.C.

6 KING'S BENCH WALK, TEMPLE

Having acquired further accommodation we now have vacancies for a number of experienced members of the Criminal Bar of over 6 years call (including Silks), who can enhance the existing defence practice of Chambers. Although Chambers provides expertise throughout the entire range of Criminal offences, it will continue to build on its strength in the field of Commercial fraud.

The members of Chambers are:  
Michael Worsley Q.C., Ann Curnow Q.C., Roy Amiot Q.C., Baroness Ann Mallalieu Q.C., Patrick Bucknell, Bruce Houlder, James Curtis, Victor Temple, Dorian Lovell-Pank, David Fisher, David Spens, Howard Vagg, Joanna Korner, Nigel Sweeney, Mark Dennis, Anthony Leonard, Philippa Jessel, Marks Moore, David Perry, Nicholas Hilliard,

Martyn Bowyer, Andrew Brierley, Simon Denison, Emma Broadbent, Timothy Ray, Peter Grieves-Smith and Irena Ray-Crosby. Senior Clerk: Mr David Garstang. Applicants are invited to write enclosing a C.V. to Bruce Houlder, 6 King's Bench Walk, Temple, London EC4Y 7DR no later than 31st January 1992. All applications will be treated in strictest confidence

### THE MEDICAL COLLEGE OF ST. BARTHOLOMEW'S HOSPITAL

The William Harvey Research Institute  
Charterhouse Square, London EC1M 6BQ

### Research Administrator

The William Harvey Research Institute is a centre of excellence for research into heart and blood vessel disease. Inflammation and bone disease. It is located on the Charterhouse Square campus of St Bartholomew's Hospital Medical College in London and has a staff of some ninety people. The Institute is a recognised charity.

We now wish to appoint an administrator either part or full-time to co-ordinate budgets and grants monitor expenditure deal with legal matters and to assist us with personnel functions. The ideal candidate should have experience of computerised finance, budget control and personnel management. Ideally, in a research setting. Full-time salary: £20-25K.

Applicants should send their CV to Sir John Vane FRS at the above address with a letter outlining their experience.

Closing date 10 December 1991

Working towards Equal Opportunities

### RADIOGRAPHERS

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If you have the training and job experience which answer any of the skill areas listed here, please complete and return the coupon below to: Enquiries Unit, VSO, 317 Putney Bridge Road, London SW15 2PN. Telephone 081-780 1331 (24hr. ansaphone).

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**HABIT ROUGE**







## Barnbrook Again's quick return hinges on tests

the first race

Chase.

LY NOVICES HURDLE

0-12	J Osborne	---
son 4:10-12	R Supple	---
12	M Lynch	---
12	P Scudamore	8
5-10:12	R Dunwoody	---

Shu Fly, the six-length conqueror of Egypt Mill Prince, who was admittedly having his first run of the season at Cheltenham, is a tempting 10-1 with both the sponsors.

Feb-



21	19.0	12	0000	RAPID GROUND 15 (D Schaeff) G Peasmore	6-1 O'Reilly, 8-1 Genem
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Placepot 219.10.





